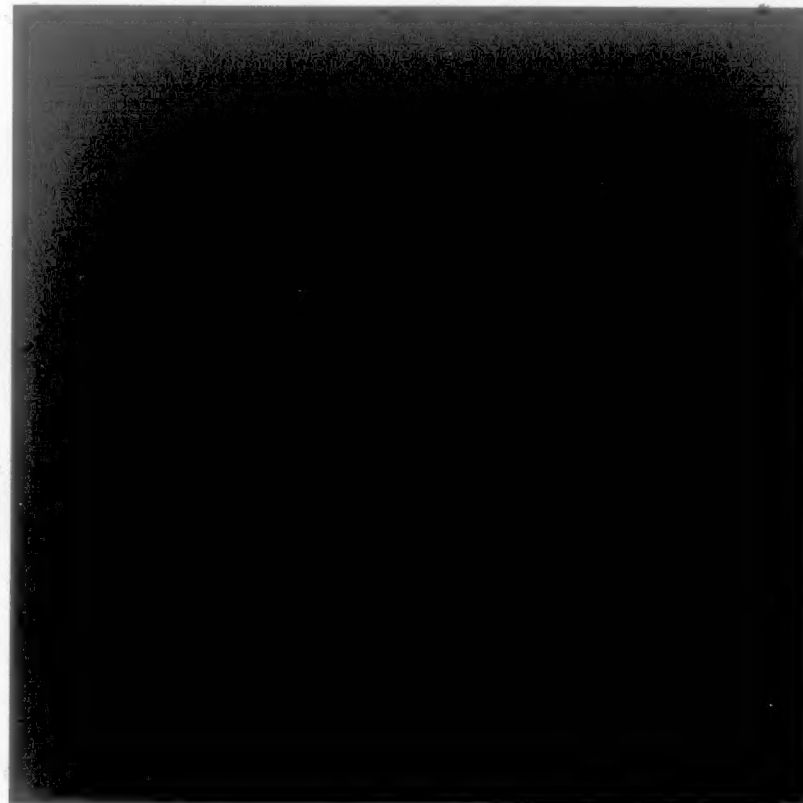
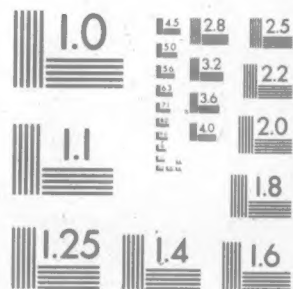
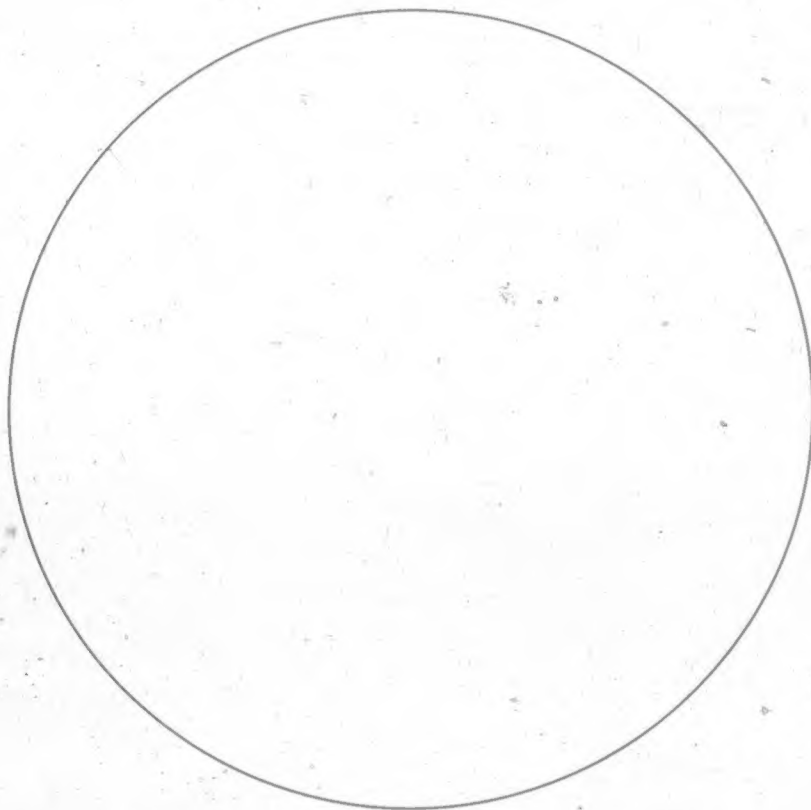
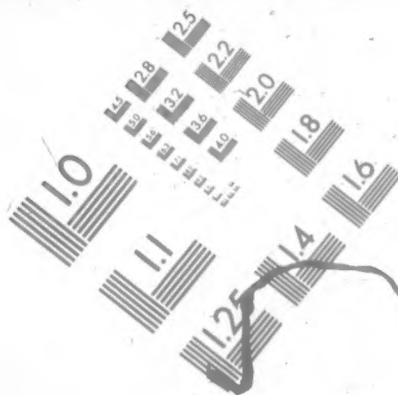


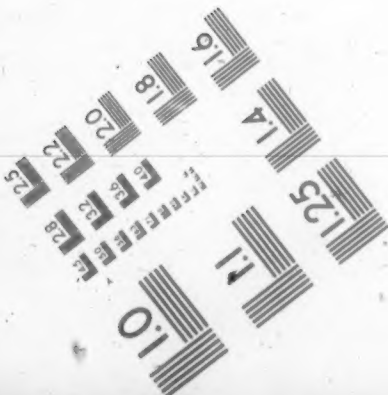


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APPLICATIONS FOR ENROLLMENT OF THE
COMMISSION TO THE FIVE CIVILIZED TRIBES

1898 - 1914

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MISSISSIPPI CHOCTAW MCR 5797 - 5899

**THE NATIONAL ARCHIVES
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GENERAL SERVICES ADMINISTRATION**

WASHINGTON: 1983

Choctaw MCR 5797

Dilese Robinson

MCR 5797

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES.

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In the matter of the application for the identification
of Dilese Robinson, et al., as Mississippi Choctaws, M.C.R. 5797.

---O---

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES.

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In the matter of the application for the identification
of Dilese Robinson, et al., as Mississippi Choctaws, M.C.R. 5797.

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Department of the Interior,
Commission to the Five Civilized Tribes.
Muskogee, I. T., June 9th, 1902.

#5797.

In the matter of the application of Dilese Robinson, a full blood Choctaw woman, which she makes for the identification of herself and her minor child, Annie Robinson, as Mississippi Choctaws, through her brother, Isaac Thompson.

Isaac Thompson being first duly sworn testifies as follows:

Examination by the Commission.

- Q What is your name? A Isaac Thompson.
- Q What is your post-office address? A Kullituklo, Indian Territory.
- Q Are you a full blood Choctaw Indian? A Yes sir.
- Q Do you want to make application today for your sister and her minor child? A Yes sir.
- Q What is your sister's name? A Dilese Robinson.
- Q How old is your sister? A Forty years old.
- Q Does she live at Kullituklo? A Yes sir.
- Q How long has your sister lived at Kullituklo, since December last? A Yes, the same time when I come to the Territory.
- Q Where did she live before that? A In Louisiana.
- Q And always did live there did she? A Yes.
- Q She was born in Louisiana? A Yes sir.
- Q What is the name of the father of your sister, and your father? A Thompson.
- Q What is his Indian name? A I-to-combi.
- Q Is he dead? A Yes sir.
- Q What is the name of your mother and your sister's mother, - did she have the same mother? A Yes, but I have forgotten her name.
- Q Was she a full blood Choctaw? A Yes sir.
- Q Is she dead? A Yes sir, long time.
- Q Do you claim for your sister through both father and mother? A Yes sir.
- Q Is she a full blood Choctaw Indian? A Yes sir.
- Q You say your sister is forty years old? A Yes sir.
- Q Is she a married woman or a widow? A She is a married woman, but her husband is dead, she is a widow.
- Q What was her husband's name? A Cyrus Robinson.
- Q A full blood? A Yes sir.
- Q When did he die, how long ago? A He died in 1897.
- Q In Louisiana? A Yes in Louisiana.
- Q Is your sister, Dilese, verypoor? A Yes sir.
- Q Too poor to come here? A Yes sir.
- Q Is that the reason why she did not come today? A Yes sir.
- Q Did she ask you to make this application for her and her child? A Yes sir.
- Q And so because she is too poor to come, and she is a full blood Choctaw Indian, and requested you to make this application, you are doing so now as her own brother, having the same father and mother? A Yes sir.

- Q If you did not make this application for her do you think she would ever be able to come and make it herself? A I don't suppose she would.
- Q Where is she living now? A Kullituklo.
- Q And does she live there with her sister? A Yes sir.
- Q What is her own sister's name? A Mary Williams.
- Q And is this man here who is now before the Commission, Tom Williams, Mary Williams' husband? A Yes sir.
- Q Mary is a full sister of Dilese Robinson? A Yes sir.
- Q And Dilese is living with Mary and with Tom here, her husband? A Yes sir.
- Q Is Tom keeping and supporting her? A Yes sir.
- Q Now, has your sister, Dilese Robinson, a child? A Yes, a little girl.
- Q How old? A Nine years old.
- Q What is its name? A Annie Robinson.
- Q And Annie is with her mother at Tom Williams' house in Kullituklo? A Yes sir.
- Q Was Cyrus Robinson the father of Annie? A Yes sir.
- Q And Annie is a full blood Choctaw Indian claiming through her father, Cyrus, and her mother, Dilese? A Yes sir.
- Q Is the name of Dilese Robinson, your sister, or the name of Annie Robinson, her daughter on any of the tribal rolls of the Choctaw Nation in the Indian Territory? A No.
- Q Has anyone ever made application for your sister, Dilese Robinson, or for her daughter, Annie, for citizenship in the Choctaw Nation to the Choctaw tribal authorities in the Indian Territory? A No sir.
- Q Has anyone ever made application for Dilese Robinson, your sister, or for her daughter, Annie Robinson, for citizenship in the Choctaw Nation to the Dawes Commission under the act of Congress of June 10, 1896? A No sir.
- Q Is this the first time that any application has been made for your sister, Dilese Robinson, or for her daughter, Annie Robinson, for citizenship in the Choctaw Nation, either to the Choctaw tribal authorities, the Commission to the Five Civilized Tribes or the United States Court in the Indian Territory? A Yes, the first time.
- Q Never have been admitted at all? A No sir.
- Q Do you now come before the Commission, and want to identify your sister, Dilese Robinson, and her child, Annie Robinson, as Mississippi Choctaws? A Yes sir.
- Q Do you claim under article fourteen of the treaty of 1830? A Yes sir.
- Q You heard that read and explained, don't you think you understand that well enough now to claim under it for your sister and her child? A Yes, I think I understand it pretty well.

Article fourteen of the treaty of 1830 reads as follows:

"ARTICLE XIV. Each Choctaw head of a family being desirous to remain and become a citizen of the states shall be permitted to do so, by signifying his intention to the Agent within six months from the ratification of this treaty, and he or she shall ~~thereupon~~ be entitled to a reservation of one section of ~~six hundred and forty acres of land~~, to be bounded by sectional lines of survey; in like manner shall be entitled

to one half that quantity for each unmarried child which is living with him over ten years of age, and a quarter section to such child as may be under ten years of age; to adjoin the location of the parent. If they reside upon said lands intending to become citizens of the states for five years after the ratification of this treaty, in that case, a grant in fee simple shall issue; said reservation shall include the present improvement of the head of the family, or a portion of it. Persons who claim under this article shall not lose the privilege of a Choctaw citizen, but if they ever remove are not entitled to any portion of the Choctaw annuity."

- Q Does your sister, Dilese Robinson, claim through her grandfather, Nicholas, the same as you? A Yes sir.
- Q What was Nicholas' Indian name? A She-ne-ba-hombi.
- Q Was that your sister's grandfather? A Yes sir.
- Q Do you know the name of the wife of Nicholas, your grandfather? A No sir.
- Q Do you know the name of your sister's grand mother, the wife of Nicholas? A No.
- Q Was she a Choctaw woman? A Yes a Choctaw.
- Q So that coming down from your grandfather and your grandmother your sister and her child are full blood Choctaws? A Yes sir, full blood Choctaws.
- Q Did any of your sister's ancestors own any land or claim any land in Mississippi or Alabama under article fourteen of the treaty of 1830? A No sir.
- Q Did any of your sister's Choctaw ancestors own any improvements on land in Mississippi or Alabama in 1830? A No, sir.
- Q Did any of your sister's Choctaw ancestors within six months after the ratification of the treaty of 1830 go to the United States Indian Agent, Colonel Ward, and tell him that they wanted to stay in Mississippi, take land there and become citizens of the state? A Never heard that.
- Q Did any of your sister's Choctaw ancestors come from that old Choctaw Nation to the Choctaw Nation in the Indian Territory with the other Indians between 1835 and 1838 or 1840? A No.
- Q Did She-neba-hombi, your sister's grand father, live in Mississippi in 1830 with his wife? A Yes they lived there then.
- Q Did they have children there then do you think? A Yes, I think so.
- Q You understand that is so in the family? A Yes sir.
- Q Do you know how old She-ne-ba-hombi would be if living now? A No, he dead long time ago.
- Q So that you as well as your sister, Dilese Robinson, go back to 1830 to your grandfather, She-ne-ba-hombi, as the Choctaw Indian who lived in Mississippi about 1830 in the old Choctaw Nation, and was the head of a family there then? A Yes sir.

The Indians who lived in the old Choctaw Nation in Mississippi and Alabama after the treaty of 1830 was ratified, refusing to come to the Choctaw Nation, Indian Territory, were required, if they wanted to take advantage of article fourteen of that treaty, to go to the United States Indian Agent, Colonel Ward, within six months after the ratification of the treaty,

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and tell him they wanted to stay in Mississippi, take land there and become citizens of the state. A great many Choctaw Indians did this whose names Colonel Ward failed to put upon his list, known as "Ward's Register", and his failure to do this caused a great many of the Indians to lose both their lands and improvements, which were taken by the government and sold at its public land sales. This caused so many complaints among the Indians that in 1857 a Commission was appointed by an act of Congress approved March 5th of that year; this Commission went to Mississippi and heard claimants under article fourteen of the treaty of 1830. In 1842 another Commission was appointed by Congress under an act approved August 23rd of that year for the same purpose. This Commission also went to Mississippi and heard claimants under that article of that treaty.

- Q Do you know if any of your sister's Choctaw ancestors went before either of these two Commissions in 1857 or in 1842 and tried to claim any land in Mississippi or any benefits as Choctaw Indians under article fourteen of the treaty of 1830? A No sir.
- Q You never heard did you that your sister's ancestors complied in any way or attempted to comply with article fourteen of the treaty of 1830? A No sir.
- Q Did any of your sister's ancestors own any land or claim any land in Mississippi or Alabama under article fourteen of the treaty of 1830? A No sir.
- Q Did any of your sister's Choctaw ancestors receive any script from the government as Choctaw Indians which entitled them to select land either in Mississippi, Alabama, Louisiana or Arkansas, to take the place of land which they had formerly held in the old Choctaw Nation, and which had been taken from them by the government and sold? A No sir.
- Q Your sister looks like a full blood Indian? A Yes sir, just as black as I am.
- Q Black hair and eyes? A Yes sir.
- Q Thin features and dark complexion; coarse black hair? A Yes sir.
- Q And Annie Robinson looks the same? A Yes, just the same.
- Q You would not take them for white people anywhere? A No sir.
- Q Does Annie, the little girl, speak Choctaw? A Yes sir.
- Q Does she speak English? A No, not at all.
- Q Does your sister speak English at all? A No, but understands a little.
- Q She does not speak English as well as you do? A No.

In your own case, Isaac, as well as in this case of your sister's, if you want to introduce any more testimony or evidence or take depositions or bring witnesses here, thirty days time will be allowed you to do so.

This witness, Isaac Thompson, who makes application for his sister, Dilese Robinson, and for his niece, Annie Robinson, is a full blood Choctaw Indian himself, having all of the

characteristics, color of hair, eyes, and complexion of a full blood Choctaw Indian, and describes his own sister, Dilose Robinson, for whom he makes application, and his niece, Annie Robinson, as looking like full blood Choctaws, as dark as himself. His niece, Annie, nine years old, does not speak English at all; his sister, Dilose, does not speak English, but understands a little English. His sister does not know any better than does this witness, Isaac Thompson, of any compliance on the part of their ancestors with article fourteen of the treaty of 1850.

W. H. Martin, being first duly sworn, on oath states that as stenographer to the Commission to the Five Civilized Tribes he recorded the above proceedings on the 9th day of June, 1902, and that the foregoing is a full, true and correct transcript of his stenographic notes in the same.

W. H. Martin

Subscribed and sworn to before me this 11th day of June, 1902.

Charles H. Sawyer

Notary Public.

Department of the Interior,
Commission to the Five Civilized Tribes
Muskogee, I. T., June 9, 1902.

#5797.

In the matter of the application of Dilese Robinson for the identification of herself and her minor child, Annie Robinson, as Mississippi Choctaws, which she makes through her brother, Isaac Thompson.

Tom Williams being first duly sworn testifies with reference to the application made by Isaac Thompson for the identification of his sister, Dilese Robinson, and her minor child, Annie Robinson, as Mississippi Choctaws, as follows:

Examination by the Commission.

- Q What is your name? A Tom Williams.
Q You are sixty-nine years old? A Yes sir.
Q Is your post-office address Kullituklo, Indian Territory? A Yes.
Q Your wife is Mary? A Yes sir.
Q Is she a sister of Dilese Robinson? A Yes.
Q Does Dilese Robinson live with you? A Yes.
Q And her little girl, Annie? A Yes.
Q Is she too poor to come here today? A Yes, did not have any money.
Q Did Dilese Robinson want to have her brother, Isaac Thompson, make application for her today for identification as a Mississippi Choctaw, and for her child, Annie Robinson? A Yes.
Q Are you willing that it should be put in that way, through her brother? A Yes.

W. H. Martin being first duly sworn on oath states that as stenographer to the Commission to the Five Civilized Tribes he recorded the above proceedings on the 9th day of June, 1902, and that the foregoing is a full, true and correct transcript of his stenographic notes in the same.

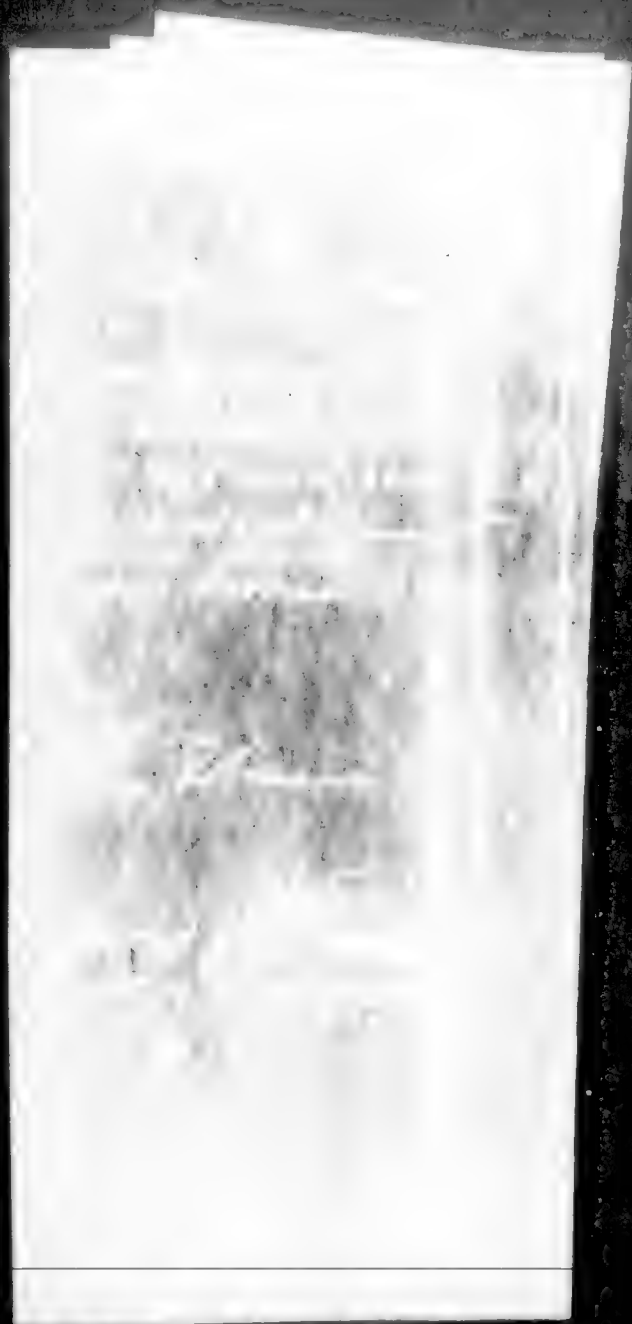
W. H. Martin

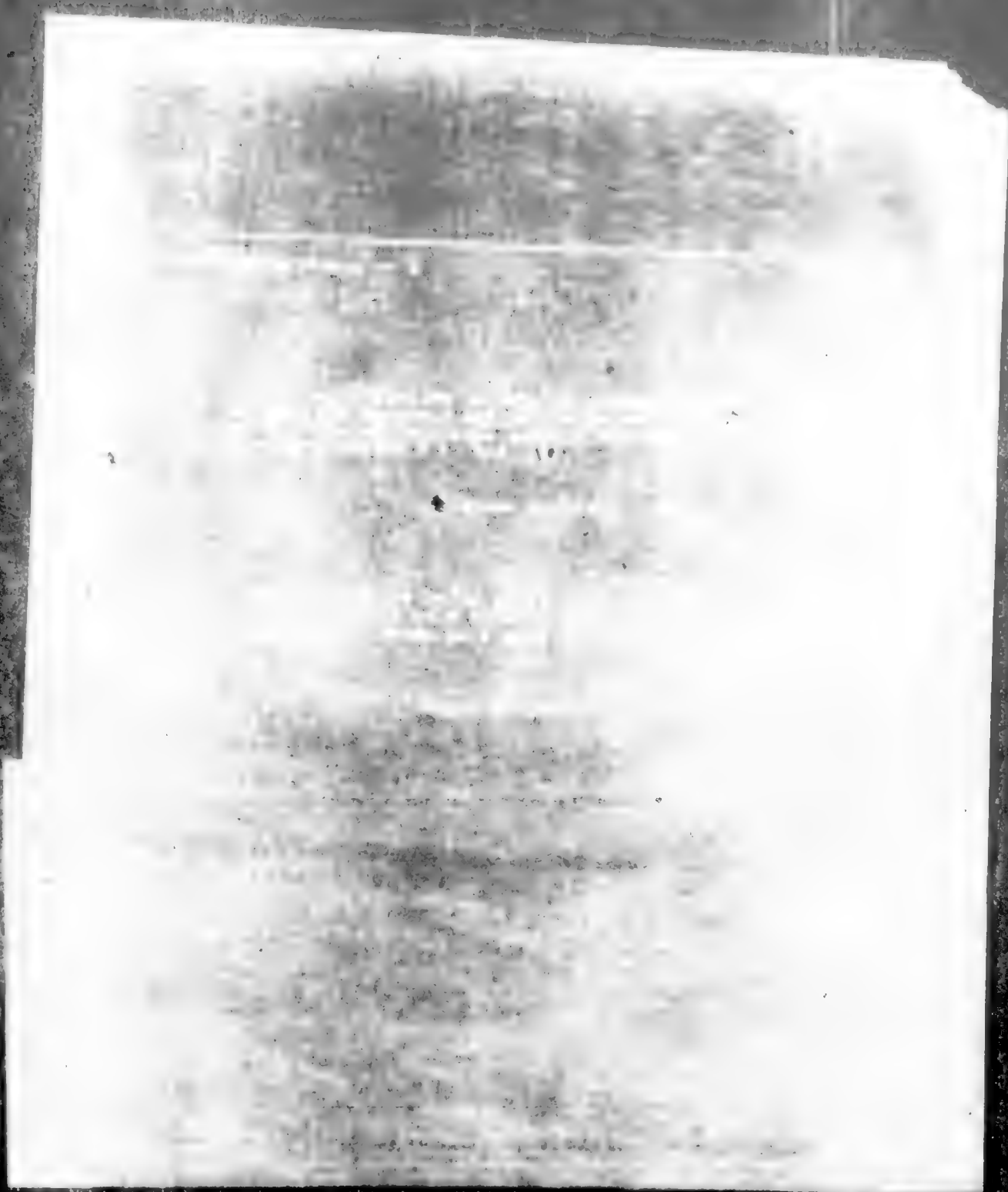
Subscribed and sworn to before me this 11th day of June, 1902.

Charles H. Sawyer
Notary Public.



If you, of your property did not
in Louisiana in the Georgia
most brought my quilt.





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DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES.

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In the matter of the application for the identification of Dilese Robinson, et al., as Mississippi Choctaws, M.C.R. 5797.

DECISION

It appears from the record herein that application for identification as Mississippi Choctaws was made to this Commission on June 9, 1902 by Isaac Thompson for his sister Dilese Robinson and her minor child Annie Robinson under the following provision of the act of Congress approved June 28, 1898 (30 Stats., 495):

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses, and perform all other acts necessary there-to and make report to the Secretary of the Interior."

From the evidence submitted in support of said application it appears that both the applicants are full blood Mississippi Choctaw Indians.

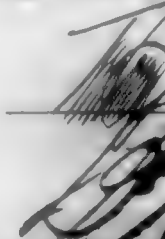
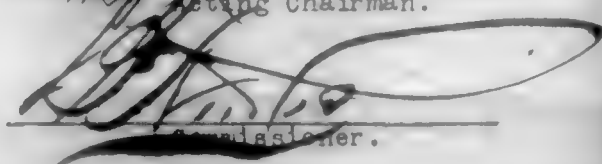

Section forty-one of the act of Congress entitled "An act to ratify and confirm an agreement with the Choctaw and Chickasaw tribes of Indians, and for other purposes," approved July 1, 1902 (32 Stats., 641) and ratified by the Choctaw and Chickasaw Nations September 26, 1902, provides as follows:

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"The application of no person for identification as a Mississippi Choctaw shall be received by said Commission after six months subsequent to the date of the final ratification of this agreement and in the disposition of such applications all full blood Mississippi Choctaw Indians and the descendants of any Mississippi Choctaw Indians whether of full or mixed blood who received a patent to land under the said fourteenth article of the said treaty of eighteen hundred and thirty who had not moved to and made bona fide settlement in the Choctaw-Chickasaw country prior to June twenty-eighth, eighteen hundred and ninety-eight, shall be deemed to be Mississippi Choctaws, entitled to benefits under article fourteen of the said treaty of September twenty-seventh, eighteen hundred and thirty, and to identification as such by said Commission, but this direction or provision shall be deemed to be only a rule of evidence and shall not be invoked by or operate to the advantage of any applicant who is not a Mississippi Choctaw of the full blood, or who is not the descendant of a Mississippi Choctaw who received a patent to land under said treaty, or who is otherwise barred from the right of citizenship in the Choctaw Nation, all of said Mississippi Choctaws so enrolled by said Commission shall be upon a separate roll."

It is, therefore, the opinion of this Commission that Dilese Robinson and Annie Robinson should be identified as Mississippi Choctaws, and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES,


Acting Chairman.

Commissioner.

Commissioner.

Muskogee, Indian Territory,

FEB 14 1903

COPY.

M.C.R. 8797

McAlester, Indian Territory, February 21, 1903.

Macfield, McFarrey & Cornish,

Attorneys for the Choctaw and Chickasaw Nations,

South McAlester, Indian Territory.

Gentlemen:

Enclosed herewith you will find a copy of the decision of the Commission rendered February 14, 1903, identifying Dilese Robinson, and minor child Annie Robinson, as Mississippi Choctaw Indians under the provisions of the forty-first section of the act of Congress approved July 1, 1902, (32 Stats., 641).

You are hereby advised that you will be allowed fifteen days from the date hereof, in which to file with this Commission such protest as you desire to make against the action of the Commission in identifying the said Dilese Robinson and child as Mississippi Choctaws, and make satisfactory proof of service of said protest upon the applicants herein.

If you fail to file such protest within the time allowed, the names of the applicants herein will be placed upon the schedule of duly identified Mississippi Choctaws now being prepared by this Commission.

Respectfully,

(SIGNED) *Tams Dixby.*

~~Assistant~~ Chairman.

Registered.

Enc. M.C.R. 8797

M.C.R. 5797

CCLY.

Muskogee, Indian Territory, March 11, 1903

Dilese Robinson,

Kullitukle, Indian Territory.

Dear Madam:-

Enclosed herewith you will find a copy of the decision of the Commission to the Five Civilized Tribes, rendered February 14, 1903, identifying yourself and your minor child, Annie Robinson, as Mississippi Choctaw Indians under the provisions of section 41 of the act of Congress approved July 1, 1902 (32 Stat. 641).

If you remove to the Choctaw-Chickasaw country, Indian Territory, before August 14, 1903, you will have six months from that date, or until February 14, 1904, within which to make proof of such removal and settlement at the office of the Commission at Atoka, Choctaw Nation, or Tishomingo, Chickasaw Nation.

Respectfully,

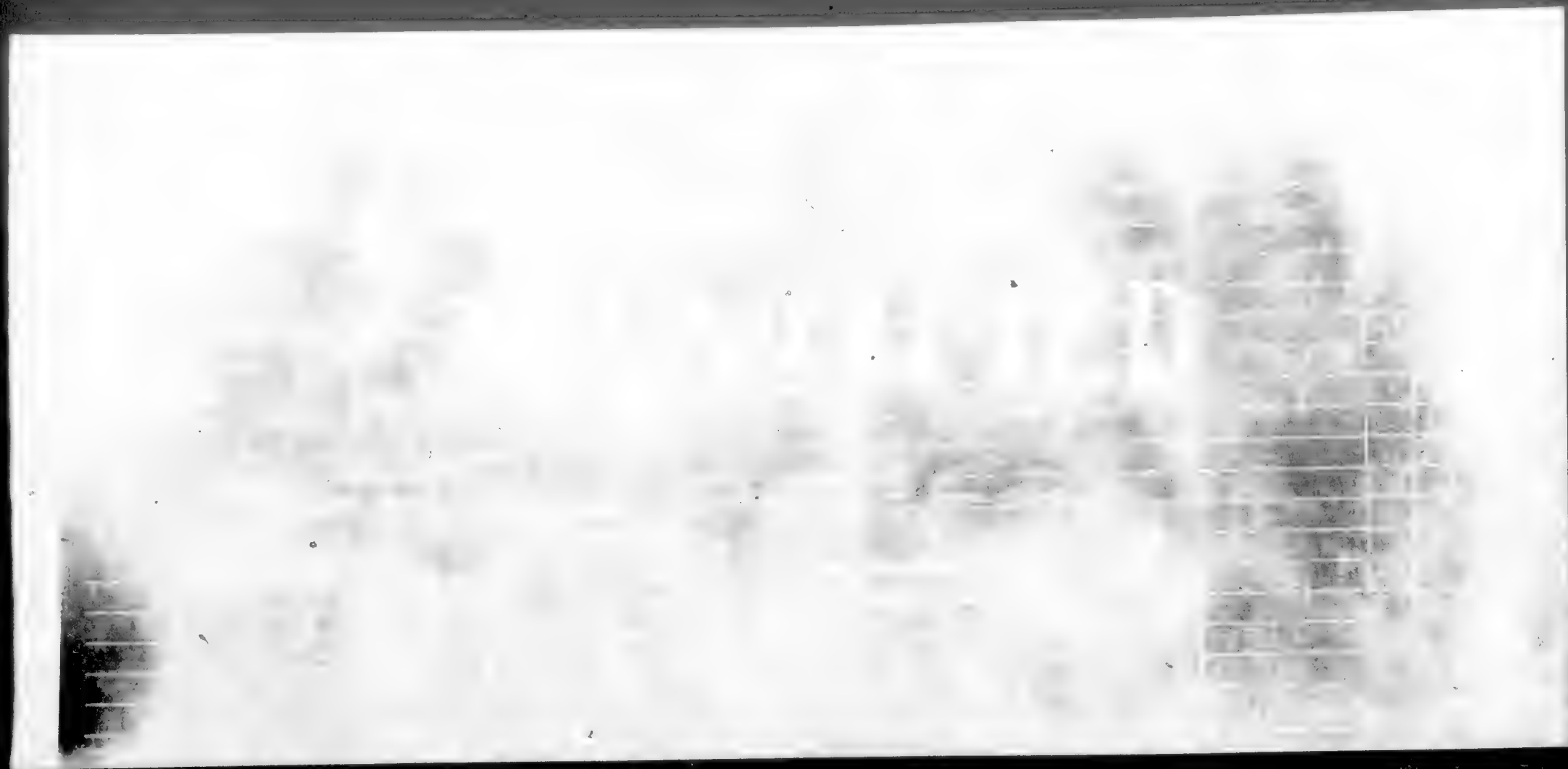
Tame Doby.
Chairman

Registered

Enclosure 5797

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DEPARTMENT OF THE INTERIOR
United States Indian Service
Five Civilized Tribes
Muskogee, Oklahoma.

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This is to certify that I am the officer having the custody of the records pertaining to the enrollment of the members of the Choctaw, Chickasaw, Cherokee, Creek, and Seminole tribes of Indians, and the disposition of the lands of said tribes, and that the following papers, attached hereto, are true and correct copies of that portion of the enrollment record on file in this office in connection with the application of _____

Dilease Robinson and Annie Robinson
Roll No 493, 494, for enrollment as A. C. L. E. Robinson
of the Choctaw Nation, so far as same relates to the age of said citizens:

Identified Mississippi Choctaw Census Card No. 300; M. C. E.
5797; Memoranda; Testimony dated June 9, 1902 and Dec. 15,
1903; Approved Roll as to Nos. 493 and 494.

GABE E. PARKER Superintendent.

BY G. E. Parker CLERK

IN CHARGE Choctaw RECORDS

DATE March 13, 1919.
HMB

For Identification as a Mississippi Choctaw.

Date

Name *A. Gilere Robinson*. by her
brother *Lease Thompson*.

Age *40* Blood *free blood*.

Post-Office. *Kullituk Lo, I. T.*

Father: *Thompson (Ho-combi) f. b. d.*

Mother: *Can't recall name f. b. d.*

Claims through *both parents*.
husband (dead)

Cyrus Robinson. f. b.

Children:

Annie Robinson — 9

Section
Claims for ~~self~~ &
her daughter

Stenographer *W. H. Martin*

Robinson

R. 5797

COPY OF DECISION FORWARDED
APPLICANT

MAR 11 1903

POOR ORIGINAL -
BEST AVAILABLE COPY

Choctaw MCR 5798

Tom Williams

MCR 5798

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES

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In the matter of the application of Tom Williams, et al.,
for identification as Mississippi Choctaws, M.C.R. 5798.

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DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES.

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In the matter of the application of Tom Williams, et al.,
for identification as Mississippi Choctaws, M.C.R. 5798.

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Department of the Interior,
Commission to the Five Civilized Tribes.
Muskogee, I. T., June 9th, 1902.

#5798.

In the matter of the application of Tom Williams for the identification of himself, his wife, Mary Williams, and his four minor children, Chlorie, Harvey, Susan, and Sam Williams, as Mississippi Choctaws.

Tom Williams, being first duly sworn, testifies as follows:

Examination by the Commission.

- Q What is your name? A Tom Williams.
Q How old are you? A Sixty-nine.
Q What is your post-office? A Kullitukle, I. T.
Q How long have you been there, Tom? A Since last December, 1901.
Q Then you lived before that in what state? A Louisiana.
Q Did you always live in Louisiana? A Yes.
Q Is your father living? A No, he is dead a long time.
Q Is your mother living? A Dead a long time.
Q What was your father's name? A Williams.
Q What was your mother's name? A I don't know.
Q Your father and mother were both full blood Choctaw Indians? A Yes, both of them.
Q Do you claim through both parents? A Yes sir.
Q You are a full blood Choctaw Indian? A Yes sir.
Q Have your parents ever been recognized in any way or enrolled by the Choctaw tribal authorities or by the United States authorities as Choctaw Indians in the Indian Territory? A No.
Q Were your father and mother married according to the Choctaw custom, in the Choctaw way? A Yes.
Q Have you a wife? A Yes.
Q What is your wife's name? A Mary Williams.
Q Is Mary living? A Yes sir.
Q Is she a full blood Choctaw? A Yes.
Q What is your wife's father's name? A Thompson.
Q Is he dead? A Yes.
Q Was he a full blood? A Yes.
Q What is your wife's mother's name? A I don't know.
Q Is she dead? A Yes.
Q Was she a full blood Choctaw? A Yes.
Q Have you any children? A Yes, I got four.
Q What is the name of the eldest? A Chlorie Williams.
Q How old is Chlorie? A Seventeen.
Q Not married? A No.
Q What is the name of the next child? A Harvey Williams, a boy.
Q How old is he? A About eight years old.
Q What is the name of the next? A Susan Williams.
Q How old is Susan? A Four years old.
Q Is that all? A Sam Williams, my eldest boy is Sam; he is Louisiana.

- Q How old is Sam? A Sixteen.
- Q Is your name on any of the tribal rolls of the Choctaw Nation in the Indian Territory with your children? A No sir.
- Q Have you ever made application for citizenship in the Choctaw Nation for yourself and children to the Choctaw tribal authorities in the Indian Territory? A No.
- Q Have you ever made application to the Dawes Commission for the enrollment of yourself and wife and these children as members of the Choctaw Nation under the act of Congress of June 10, 1896? A No.
- Q Have you or your wife or your children ever been admitted to citizenship in the Choctaw Nation by either the Choctaw tribal authorities, the United States Commission to the Five Civilized Tribes or the United States Court in the Indian Territory? A No.
- Q Is this the first application you have ever made, or anyone, for you, or for your wife and children, for citizenship in the Choctaw Nation, either to the Choctaw tribal authorities or to the United States authorities in the Indian Territory? A Yes.
- Q Do you now come before the Commission to identify yourself, wife and these children as Mississippi Choctaws? A Yes.
- Q Do you claim under article fourteen of the treaty of 1830? A Yes.
- Q Do you understand that treaty? A No.

In 1830 a treaty was made between the United States government and the Choctaw Indians at a place in Mississippi called Dancing Rabbit Creek. It was signed on the 27th day of September, 1830, and was ratified on the 24th day of February, 1831. The object of the treaty to remove the Choctaw Indians from the old Choctaw Nation east of the Mississippi river to the Choctaw Nation in the Indian Territory. Before the treaty was signed it became known that a good many Choctaw Indians would not go to the Choctaw Nation in the Indian Territory, and in order to protect the interests of those Indians who remained back there in the old Choctaw Nation, article fourteen was drafted and put into the treaty of 1830, which reads as follows:

"ARTICLE XIV. Each Choctaw head of a family being desirous to remain and become a citizen of the states shall be permitted to do so by signifying his intention to the Agent within six months from the ratification of this treaty, and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land, to be bounded by sectional lines of survey; in like manner shall be entitled to one half that quantity for each unmarried child which is living with him over ten years of age; and a quarter section to such child as may be under ten years of age, to adjoin the location of the parent. If they reside upon said lands intending to become citizens of the states for five years after the ratification of this treaty, in that case, a grant in fee simple shall issue; said reservation shall include the present improvement of the head of the family, or a portion of it. Persons who claim under this article shall not lose the privilege of a Choctaw citizen, but if they ever remove are not entitled to any portion of the Choctaw annuity."

- Q Did any of your ancestors, your grandfather or grandmother, or any of their people, kin folks, comply with that law back there, article fourteen of the treaty of 1830? A I don't know.
- Q Do you claim through your grandfather, grandmother, or who is it? (No response)
- Q Both are full blood Choctaws, your grandfather and grandmother? A Yes sir.
- Q What is your grandpa's name? A I don't know.
- Q What is your grandma's name? A I don't know.
- Q Your father's name was Williams? A Yes.
- Q What was your wife's father's name? A Thompson.
- Q What was your wife's grandpa's name? A I don't know.
- Q What was your wife's grandma's name? A I don't know.
- Q Did any of your Choctaw ancestors own any land or claim any land in Mississippi or Alabama under article fourteen of the treaty of 1830, your wife's ancestors or your ancestors? A No.
- Q Did any of your ancestors or your wife's ancestors own any improvements on land in Mississippi or Alabama in 1830? A No.
- Q Did any of your ancestors or your wife's ancestors comply in any way or attempt to comply with article fourteen of the treaty of 1830; did they do any of those things that I have stated should be done under article fourteen of that treaty? A No.
- Q Did any of your ancestors or your wife's ancestors come from that old Choctaw Nation east of the Mississippi river to the Choctaw Nation, Indian Territory, with the other Indians between 1835 and 1838? A No.
- Q They went from Mississippi to Louisiana and not to the Territory? A Yes.

The Choctaw Indians who remained in the old Choctaw Nation in Mississippi and Alabama after the treaty of 1830 was ratified were required if they wanted to take advantage of article fourteen of that treaty to go to the United States Indian Agent, Colonel Ward, within six months after the ratification of the treaty, and tell him they wanted to stay in Mississippi, take land there and become citizens of the state. A great many Choctaw Indians did this whose names Colonel Ward neglected to put upon his list, known as "Ward's Register"; and this neglect caused a good many of the Indians to lose both their lands and their improvements, because the government took both the land and the improvements from them and sold them at its public land sales. This caused so many complaints among the Indians that in 1837 by an act of Congress approved March 3rd of that year, a Commission was appointed which went to Mississippi and heard claimants under article fourteen of that treaty of 1830. In 1842 another Commission was appointed by an act of Congress approved August 23rd of that year, for the same purpose, and this Commission also went to Mississippi and heard claimants under article fourteen of that treaty.

- Q Did any of your Choctaw ancestors, your grandfather or grandmother, or any of your wife's ancestors, go before either of the two Commissions in Mississippi and claim any rights under article fourteen of the treaty of 1830? A No.

- Q Did any of your Choctaw ancestors or any of your wife's ancestors receive any script from the government which entitled them to select land either in Mississippi, Louisiana, Alabama or Arkansas, did they get any paper called script so they could go out and select land there? A No.
- Q Do you speak the English language as well as you do the Choctaw language? A No.
- Q You understand it some? A I don't know.

Thirty days time is allowed this applicant in which to introduce other testimony, if he desires, in support of this application, which he makes for himself, wife and children.

This applicant is a full blood Choctaw Indian; this examination has been extremely difficult because of two facts, first: That he has nothing but a very imperfect knowledge of the English language, and secondly: Because he is very deaf and an uneducated man, and after having the question fully explained to him so that he did receive the purport of what was said it was difficult for him mentally to grasp the idea. He has no knowledge of the compliance on the part of his ancestors with any of the provisions of article fourteen of the treaty of 1830. He is not able to give the names of his grandmother or his grandfather, or his wife's grandmother or grandfather; and even does not know his own parents names, except he says his father's name was Williams, does not know his mother's name.

This ignorance of ancestors is a characteristic feature of all of the full blood Choctaw Indians who now reside in Mississippi; they have no records of births, marriages or deaths. This man is also old, being sixty-nine years of age, and together with his infirmity of deafness may be afflicted with a memory weakened by old age. There is no question about his being a full blood Choctaw Indian. His wife, Mary Williams, for whom he makes application, is a sister of Isaac Thompson, a full blood Choctaw Indian, who has on this date made application for citizenship in the Choctaw Nation, and also a sister of Dilese Robinson, a widow woman, who lives with this applicant, Tom Williams, and his wife, Mary. Isaac Thompson and his sister, Dilese Robinson, and Mary Williams, the wife of this applicant, are all first cousins to Lester Jackson, whose name appears upon the Choctaw roll, field No. 1125, who was admitted as a Mississippi Choctaw by act of Council, approved October 16, 1895, and whose name appears upon the census roll of the Choctaw Nation of 1896 as Lastie Jackson.

W. H. Martin, being first duly sworn, on oath states that as stenographer to the Commission to the Five Civilized Tribes he recorded the above proceedings on the 9th day of June, 1902, and that the foregoing is a full, true and correct transcript of his stenographic notes in the same.

W. H. Martin

Subscribed and sworn to before me this 11th day of June, 1902.

Charles H. Sawyer
Notary Public.

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES.

Civil

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In the matter of the application of Tom Williams, et al.,
for identification as Mississippi Choctaws, M.C.R. 5798.

D E C I S I O N

It appears from the record herein that application for identification as Mississippi Choctaws was made to this Commission on June 9, 1902 by Tom Williams for himself, his wife Mary Williams, and his four minor children Chlorie, Sam, Harvey and Susan Williams under the following provision of the act of Congress approved June 28, 1898 (30 Stats., 495):

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses, and perform all other acts necessary thereto and make report to the Secretary of the Interior."

From the evidence submitted in support of said application it appears that all the applicants are full blood Mississippi Choctaw Indians.

Section forty-one of the act of Congress entitled "An act to ratify and confirm an agreement with the Choctaw and Chickasaw tribes of Indians, and for other purposes," approved July 1, 1902 (32 Stats., 641) and ratified by the Choctaw and Chickasaw Nations September 25, 1902, provides as follows:

"The application of no person for identification as a Mississippi Choctaw shall be received by said Commission after six months subsequent to the date of the final ratification of this agreement and in the disposition of such applications all full blood Mississippi Choctaw Indians and the descendants of any Mississippi Choctaw Indians whether of full or mixed blood who received a patent to land under the said fourteenth article of the said treaty of eighteen hundred and thirty who had not moved to and made bona fide settlement in the Choctaw-Chickasaw country prior to June twenty-eighth, eighteen hundred and ninety-eight, shall be deemed to be Mississippi Choctaws, entitled to benefits under article fourteen of the said treaty of September twenty-seventh, eighteen hundred and thirty, and to identification as such by said Commission, but this direction or provision shall be deemed to be only a rule of evidence and shall not be invoked by or operate to the advantage of any applicant who is not a Mississippi Choctaw of the full blood, or who is not the descendant of a Mississippi Choctaw who received a patent to land under said treaty, or who is otherwise barred from the right of citizenship in the Choctaw Nation, all of said Mississippi Choctaws so enrolled by said Commission shall be upon a separate roll."

It is, therefore, the opinion of this Commission that Tom Williams, Mary Williams, Chlorie Williams, Sam Williams, Harvey Williams and Susan Williams should be identified as Mississippi Choctaws, and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES,


Acting Chairman.


Commissioner.

Muskogee, Indian Territory,

FEB 14 1902

Muskegee, Indian Territory, February 21, 1903.

Mansfield, McMurray & Cornish,
Attorneys for the Choctaw and Chickasaw Nations,
South McAlester, Indian Territory.

Gentlemen:

Enclosed herewith you will find a copy of the decision of the Commission rendered February 14, 1903, identifying Tom Williams, his wife Mary Williams, and minor children Chlerie Williams, Sam Williams, Harvey Williams, and Susan Williams, as Mississippi Choctaw Indians under the provisions of the forty-first section of the act of Congress approved July 1, 1902, (32 Stats., 641).

You are hereby advised that you will be allowed fifteen days from the date hereof, in which to file with this Commission such protest as you desire to make against the action of the Commission in identifying the said Tom Williams, his wife and children as Mississippi Choctaws, and make satisfactory proof of service of said protest upon the applicants herein.

If you fail to file such protest within the time allowed, the names of the applicants herein will be placed upon the schedule of duly identified Mississippi Choctaws now being prepared by this Commission.

Respectfully,

Tamc Kirby

Registered.

Enc. V.C.B. 32.

Acting Chairman.

RECORDED IN THE OFFICE OF THE SECRETARY OF THE INTERIOR

COPY.

M.C.R. 5798

Muskogee, Indian Territory, March 11, 1903.

Tom Williams,

Kullitukle, Indian Territory.

Dear Sir:

Enclosed herewith you will find a copy of the decision of the Commission to the Five Civilized Tribes, rendered February 14, 1903, identifying yourself, your wife, Mary Williams, and your minor children, Chlerie, Sam, Harvey and Susan Williams, as Mississippi Choctaw Indians under the provisions of section 41 of the act of Congress approved July 1, 1902 (32 Stats., 641).

If you remove to the Choctaw-Chickasaw country, Indian Territory, before August 14, 1903, you will have six months from that date or until February 14, 1904, within which to make proof of such removal and settlement at the office of the Commission at Ateka, Choctaw Nation, or Tishomingo, Chickasaw Nation.

Respectfully,

Tamc Dixey.

SIGNED

Chairman.

Registered.

Enc. 5798

M.C. 5798.

Muskogee, Indian Territory. April 2, 1905.

Tom Williams,

Kullituklo, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of your letter of the 25d ultimo, relative to the decision of the Commission identifying yourself and family as Mississippi Choctaws entitled to allotment in the lands of the Choctaw and Chickasaw Nations. You ask if it is necessary that you appear in person before the Commission and make proof that you are living at Kullituklo, Indian Territory.

In reply to your letter, you are informed that the Commission will require of duly identified Mississippi Choctaws that they make personal appearance at its office at Atoka, Choctaw Nation, Indian Territory, or at Tishomingo, Chickasaw Nation, Indian Territory, to make proof of bona fide settlement in the Choctaw-Chickasaw country within six months from the date of their identification as Mississippi Choctaws entitled to allotment.

Respectfully,

Commissioner in Charge.

No. 5798

For Identification as a Mississippi Choctaw.

Date

Name Tom Williams -

Age 69 - Blood full blood

Post-Office, Kuttitucklo, I. T.

Father: Williams (f. b.) d

Mother. — — (f. b.) d

Claims through both parents

wife - Mary Williams, b. f. b.

father Thompson, (d) (f. b.)

mother don't know. (d) (f. b.)

Children: Chloe Williams (f.) 17

Sam Harvey. " 16 8

Susan " 4

Claims for self wife
and children

Stenographer

W. H. Martin

Tom Williams et al

R. 5798

COPY OF DECISION FORWARDED
APPLICANT

MAR 11 1903

Choctaw MCR 5799

Alvan B. Chambers

See MCR 5670

MCR 5799

Department of the Interior,
Commission to the Five Civilized Tribes.
Muskogee, Indian Territory, June 10, 1902.

SV02.

In the matter of the application of Alvan B. Chambers for the identification of himself and his three minor children, Gideon Moses, George A., and Emma J. Chambers as Mississippi Choctaws.

Alvan B. Chambers being first duly sworn testifies as follows:

Examination by the Commission.

- Q What is your name? A Alvan B. Chambers.
Q What is your age? A Fifty-three.
Q What is your post-office address? A Isora, Coryell County, Texas.
Q How long have you lived at Isora? A I lived there before there was any Isora.
Q How long have you lived in Texas? A Ever since November, '74.
Q Where were you born? A In Kentucky.
Q What part of Kentucky? A Morgan county.
Q From Kentucky you went where? A My father went from Kentucky to Missouri, I believe, the first move he made.
Q How long did he live in Missouri? A I would have to kinder study over that a little; if I ain't mistaken he made about three trips there, as well as I recollect he went to Missouri in '38 I believe, I won't be positive.
Q From Missouri he went where? A To Kansas.
Q How long did he live in Kansas? A He lived there from in the Spring until the Fall as well as I recollect.
Q Did he ever live in Arkansas? A Yes sir.
Q How long did he live in Arkansas? A As near as I remember about six or seven years.
Q From Arkansas he went where? A To Texas.
Q And you have lived in Texas since? A Yes sir.
Q How many years have you lived in Texas? A Twenty-eight years this coming November I think.
Q Is your father living? A Yes sir, was when I left home.
Q Is your mother living? A No sir.
Q What is your father's name? A Jasper Chambers.
Q What is your mother's name? A My mother's name was Susanna Porter.
Q William F. Chambers is your half brother? A Yes sir.
Q And Margaret Porter's? A Yes sir.
Q His mother's name was Elizabeth? A Yes sir.
Q And your mother's name was Susanna, her maiden name was what? A Porter.
Q For whom do you claim parent? A My father.
Q How many children have you? A That I don't know, only know of three.
Q How many of them are Choctaws or enrolled as a member of the Choctaw tribe? A One, my daughter Emma J. Chambers.

or by the United States authorities in the Indian Territory?

Not that I know of.

Q Do you know when and where your father and mother were married?

A Kentucky

Q What date? A In 1948 I think.

Q What day of the month? A If I ain't mistaken it is the 11th of June.

Q By a Minister under a license? A Yes sir.

Q Have you the proof of that marriage with you now? A You sir, I think I have it in my grip.

It would be quite necessary for you to file the proof of the marriage of your father and mother in order to support your application.

Q What is your wife's name? A Susan Cooper was her maiden name, Susan Chambers now.

Q She is living? A Yes sir.

Q White woman or Indian? A White woman.

Q Do you make any claim for her? A As her being an Indian?

Q Yes? A No sir.

Q Have you any children? A Yes sir.

Q How many children have you? A I have got nine living.

Q Under twenty-one years of age and unmarried? A I have got one that is married that is not twenty-one; I have three unmarried and under twenty-one.

What is the name of the eldest under twenty-one and unmarried?
Gideon Hedges.

Q How old is he? A If I ain't mistaken he is seventeen years old.

Q What is the name of the next? A George A.

Q How old is he? A He is thirteen years old.

Q What is the name of the next? A She is a girl, Emma J.

Q How old is she? A Eleven years old.

Q Have you any other children under twenty-one years of age and unmarried? A No sir.

Q Do you claim for yourself and these three minor children? A Yes sir.

Q Is Susan Chambers the mother of those three children? A Yes sir.

Q Are they living with you and your wife at your home? A Yes sir, was when I left home.

Q You presume they are now? A Yes sir.

Q Pretty good presumption too, is it not? A Yes sir.

Q Were either you or your wife married before you married each other? A No sir.

Q. When and where were you married to your wife? A. I was married in McDonald county, Missouri, on the 10th day of July, 1908.

By a Minister under a license A No air, by a Justice of the Peace, Henry H. Fox.

Have you the proof of that marriage with your A. M. Sir.

Q You think you can introduce it within a few days, together with the proof of the marriage of your father and mother? A Yes sir.

You can influence what is said by sending them by a letter of introduction to the House Committee on Education.

[illegible]

Q And living where? A At my house, Izore, Texas.

Q What is the name of his wife? A Nancy Hammons was her maiden name.

Q How old is your son, Alvan? A Turned in his nineteenth year. I can't give the exact date without going to the Bible.

Q His name is Alvan B. Chambers Jr., is it not? A Yes sir.

Q Give me the name of your next child? A She is a daughter, Melinda Margaret.

Q What is her married name? A Lykins.

Q How old is she? A She is a little past twenty-one I think.

Q What is her husband's name? A John Henry Lykins.

Q Where do they live? A At Izore.

Q Is he a white man? A Yes sir.

Q The name of the next child? A The next one is dead.

Q Any children? A No sir.

Q The next one? A A daughter, Lucinda Catherine.

Q What is her married name? A Davis.

Q What is her husband's full name? A William F. Davis.

Q Is he a white man? A Yes sir.

Q How old is she? A She is about twenty-three, maybe twenty-four I won't be positive.

Q Where do they live? A They live in Hamilton County, Texas.

Q What is their post-office? A Evans, Texas.

Q The next? John Milton Chambers.

Q How old is John? A He was born in '76, twenty-seven years old.

Q Is he married? A Yes sir.

Q Who did he marry? A A girl by the name of Delitha Davis.

Q She was white? A Yes sir.

Q Where do they live? A Their post-office is Izore, the same as mine.

Q Now the next? A Jasper W. Chambers.

Q How old is he? A He was born in '71, he would be thirty-one years old.

Q Is he married? A Yes sir.

Q What is his wife's name? A His wife's name was Emma McKinney.

Q Where do they live now? A At Izore, Texas.

Q Are there any other children? A That is all, only this son here.

Q He being here will make application for himself? A Yes, and these will come later and we will know who they are.

Q Is your name, or the names of any of your minor children on any of the tribal rolls of the Choctaw Nation in the Indian Territory? A Not that I know of.

Q Have you ever made application for citizenship in the Choctaw Nation for yourself and children to the Choctaw tribal authorities in the Indian Territory? A No, never have.

Q Have you ever made application for citizenship in the Choctaw Nation for yourself and children to the Commission to the Five Civilized Tribes under the act of Congress of June 10, 1898? A No sir.

Q Have you ever been admitted to citizenship with your children in the Choctaw Nation by either the Choctaw tribal authorities, the Commission to the Five Civilized Tribes or the United States Court in the Indian Territory? A No sir, I never have.

Q Have you ever made application before this time for yourself and children to be admitted as members of the Choctaw tribe of

Indians, either to the Choctaw tribal authorities of the United States authorities in the Indian Territory? A This is the first time.

Q Do you now come before the Commission to be identified and to identify these minor children as Mississippi Choctaws, claiming under article fourteen of the treaty of 1830? A Yes sir.

Q Do you understand that article of that treaty? A No, I do not know that I do.

The treaty of 1830 was made between the United States government and the Choctaw Indians at a place in Mississippi called Bancing Rabbit Creek; the object of the treaty was to remove the Choctaw Indians from the old Choctaw Nation east of the Mississippi river to the Choctaw Nation in the Indian Territory. Before the treaty was signed it became known that a good many Choctaw Indians would not go to the Choctaw Nation, Indian Territory, and in order to protect the interests of those Indians who stayed back in the old Choctaw Nation article fourteen was drafted and put into the treaty of 1830. The treaty was signed, and afterwards, on February 24th, 1831, was ratified. Article fourteen of that treaty reads as follows:

"ARTICLE XIV. Each Choctaw head of a family being desirous to remain and become a citizen of the states shall be permitted to do so by signifying his intention to the Agent within six months from the ratification of this treaty, and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land, to be bounded by sectional lines of survey; in like manner shall be entitled to one half that quantity for each unmarried child which is living with him ever ten years of age; and a quarter section to such child as may be under ten years of age, to adjoin the location of the parent. If they reside upon said lands intending to become citizens of the states for five years after the ratification of this treaty, in that case, a grant in fee simple shall issue; said reservation shall include the present improvements of the head of the family, or a portion of it. Persons who claim under this article shall not lose the privilege of a Choctaw citizen, but if they ever remove are not entitled to any portion of the Choctaw annuity."

Q Do you know if any of your Choctaw ancestors complied or attempted to comply with that article fourteen of that treaty? A I don't know, only by hearsay.

Q What have you heard among the family as a matter of family history or tradition? A I have heard that one John Harper did, I don't know.

Q Did he, John Harper, comply with article fourteen of the treaty of 1830? A I have heard that he did; I can not say because I don't know.

Q What relation was he to you? A He was my father's great grandfather.

Q Your great, great grandfather? A Yes, so they tell me.

Q That is a good ways back is it not? A Yes sir.

Q Do you know when he was born? A No sir, I don't.

- Q Do you know when and where he died? A Don't know that.
- Q Do you know if he lived in the old Choctaw Nation in 1830, either in Mississippi or Alabama? A It seems to me from what I have heard that he lived in Alabama.
- A In 1830? A Yes sir. I don't know that; I would not be positive about that.
- Q You claim through your father? A Yes sir.
- Q And he is living now? How old is your father? A He is going on 74.
- Q Where was he born? A I have heard him say that he was born in Morgan County, Kentucky.
- Q He was born two years after the treaty of 1830 was made? A Yes sir.
- Q And was living in Kentucky after that treaty was made with his father and mother no doubt,-- what was his father's name? A Joel Chambers.
- Q Did his father have Choctaw blood? A No sir.
- Q What was his mother's name? A Lucinda Hanks was her maiden name.
- Q And she married who? A She married Joel Chambers, my father's father.
- Q Now, Joel Chambers and his wife, Lucinda, whose maiden name was Hanks, were living in Kentucky in 1830, where your father was born, is that right? A Yes sir.
- Q Now Joel Chambers claimed through whom, his father or mother? A I don't know that he ever claimed, put up any claim at all.
- Q Who had the Choctaw blood, do you know? A No sir,-- my grandmother, Lucinda Hanks.
- Q Lucinda Hanks then claimed through whom, her father or mother? A Through her mother.
- Q What was her name? A Harper.
- Q What Harper? A Lydia Harper.
- Q Was she the daughter of John Harper? A Said to be.
- Q Did Lydia Harper live in the old Choctaw Nation in Mississippi or Alabama in 1830? A I could not say.
- Q Who did Lydia Harper marry? A Fielding Hanks.
- Q He was a white man? A Yes sir.
- Q You do not know where she lived? A They lived in Kentucky.
- Q About how old would Lydia Hanks be if living at the present time? A She would be a very old lady.
- Q I know she would, but about how old would she be? A That is, my grandmother's mother, I suppose something like a hundred and ten or fifteen years old.
- Q John Harper, your great great grandfather had a daughter, Lydia Harper, who married Fielding Hanks? A Yes sir.
- Q And Lydia and Fielding Hanks lived in Kentucky? A Yes sir.
- Q And they had a daughter, Lucinda, who married Joel Chambers and they had a son, Jasper Chambers, your father, who lived in Kentucky? A Yes sir.
- Q Now, all of these ancestors lived in Kentucky except John Harper, where did he live? A I could not say.
- Q Did you ever live in Mississippi or Alabama? A No sir.
- Q How do you know you are a descendant from a Mississippi Choctaw ancestor when all of your ancestors lived in Kentucky, so far as you know? A Only through hearsay.

- Q But you say in your testimony that all of your ancestors lived in Kentucky, who is your ancestor who lived in Mississippi; you do not know where John Harper did live, and his daughter Lydia? A I don't know for certain whether or not he lived in Mississippi.
- Q Who? A John Harper. I am of the opinion, it seems to me that as well as I recollect he was once living in Alabama.
- Q Do you know he did? A No sir, I don't.
- Q None of the rest lived either in Mississippi or Alabama, did they? A Not that I know of. But I do not know as far as that is concerned where they lived.
- Q If you are fifty three years old and your father is seventy four living now, and he lived in Kentucky and was living there two years after the treaty of 1830 was made, and then he claims through his mother, Lucinda Chambers, and she lived in Kentucky, and she claimed through her mother, Lydia Hanks, and she lived in Kentucky, whether John Harper lived in Mississippi or Alabama or not it must have been a great many years ago, and he could not have lived there as recently as 1830 could he, in Mississippi or Alabama? A I could not say.
- Q What I want to know is this: can you give me the name of a Mississippi Choctaw ancestor who lived in the old Choctaw Nation in Mississippi or Alabama in 1830, and who at that time had a family of children living there; in other words, who was the head of a family there then? A From just what I heard it was John Harper.
- Q Don't you think that John Harper had lived and had his family and died long before that time, the year 1830, was reached? Would it not have seemed so? A Yes, it seems like it would.
- Q You go back three generations from your father, who is seventy-four years old, and it would seem that John Harper was too old to be living in 1830? A I don't know about that.
- Q Did any of your Choctaw ancestors own any land or claim any land in Mississippi or Alabama under article fourteen of the treaty of 1830? A I don't know about that.
- Q Did any of your Choctaw ancestors own any improvements on land in Mississippi or Alabama in the old Choctaw Nation in 1830? A I couldn't say.
- Q Did any of your Choctaw ancestors come from that old Choctaw Nation east of the Mississippi to the Choctaw Nation in the Indian Territory with the rest of the Indians between 1833 and 1838 or 1840? A I couldn't say.
- Q Did any of your Choctaw ancestors within six months after the ratification of the treaty of 1830 go to the United States Indian Agent, Colonel Ward, and tell him that they wanted to stay in Mississippi, take land there and become citizens of the states? A I don't know.

The Choctaw Indians who remained in Mississippi and Alabama after the treaty of 1830 was ratified were required if they wanted to take advantage of article fourteen of that treaty to go to the United States Indian Agent, Colonel Ward, and tell him that they wanted to stay in Mississippi, take land there, and become citizens of the states. A great many Indians did this whose names Colonel Ward failed to put on his list, known as "Ward's Register." His failure to do this caused a great many Indians to lose their lands and improvements; both were

taken from them and sold by the government at its public land sales. This caused so many complaints among the Choctaw Indians that in 1837, by an act of Congress approved March 3rd of that year, a Commission was appointed by Congress which went to Mississippi and heard claimants under article fourteen of the treaty of 1830; in 1842 by an act of Congress approved August 23rd of that year another Commission was appointed which went to Mississippi and heard claimants under article fourteen of that treaty.

- Q Do you know if any of your Choctaw ancestors went before either of these two Commissions and asserted any rights or claimed any rights under article fourteen of that treaty of 1830? A No sir.
- Q Did any of your Choctaw ancestors receive any script from the government which entitled them to select land in either Mississippi, Louisiana, Alabama or Arkansas? A No sir,

This script was issued under an act of Congress approved August 23rd, 1842, and was given only to those Choctaw Indians who had proved their rights under article fourteen of the treaty of 1830, and also proved that their land had been taken from them by the government and sold.

- Q How much Choctaw blood did John Harper have? A I can't say, I don't know.
- Q What relation is William F. Chambers to you? A Half brother.
- Q He is how old now? A He is about I suppose forty-eight or nine, I don't know exactly.
- Q Did he make application to be identified as a Mississippi Choctaw before the Commission at Muskogee on May 9, 1902? A Yes, that's what I have heard.
- Q Do you want his case consolidated with yours, and his case referred to by you for the purpose of this consolidation? A Yes, all considered together I suppose.
- Q And there are others, are there, who claim through the same common ancestor? A Yes sir.
- Q And would you like to have theirs and yours combined under the head of William F. Chambers? A So far as I am concerned yes.

The case of William F. Chambers is here referred to for the purpose of consolidation, M. C. R. 5525.

- Q I notice that William F. Chambers in his testimony gives the name of the daughter of John Harper as "Lady Harper", it should be Lydia? A Yes sir.
- Q That Lady is undoubtedly a mistake in the writing of it? A Yes, that's a mistake.
- Q Do you speak or understand the Choctaw language? A No sir.
- Q Have you any evidence now that you want to further introduce? A Nothing at all that I know of.

This applicant has the appearance and physical characteristics of being descended from white parentage; blue eyes, no-

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dium fair complexion, now tanned by the sun; light brown hair; whiskers and mustache somewhat gray. He does not understand the Choctaw language, and has no knowledge of the compliance on the part of his ancestors with any of the provisions of article fourteen of the treaty of 1830.

W. H. Martin being first duly sworn on oath states that as stenographer to the Commission to the Five Civilized Tribes he recorded the aboveproceedings on the 10th day of June, 1902, and that the above and foregoing is a full, true and correct transcript of his stenographic notes in the same.

W. H. Martin

Subscribed and sworn to before me this 12th day of June, 1902.

Charles H. Sargent

Notary Public.

Miss. Chootaw No 799

Muskogee, Indian Territory, June 19, 1902.

Alvan E. Chambers,
Idoro, Texas,

Dear Sir:

Receipt is hereby acknowledged of certificate of the Clerk of Morgan County, Kentucky, to the marriage between Jasper Chambers and Susan Porter, June 11, 1848, which is offered in support of your application for the identification of yourself and your children as Mississippi Chootaws, and the same has been filed with the record in your case.

Yours truly,

Commissioner in Charge.

M C R 5799

Muskogee, Indian Territory, November 4, 1903.

Alvan H. Chambers,

Isora, Texas.

Dear Sir:

You are hereby notified that you will be allowed thirty days from this date in which to submit further evidence in support of your application for identification as a Mississippi Choctaw, and at the expiration of said time this Commission will proceed to render its decision therein and no further evidence will then be received or extension of time granted.

Respectfully,

Chairman.

M C R 5799

Muskogee, Indian territory, March 18, 1904.

Alvan B. Chambers,
Inero, Texas.

Dear Sir:

You are hereby advised that on March 4, 1904, the Commission rendered a decision in the consolidated Mississippi Choctaw case of Jasper Chambers, et al., of which the application made by you for the identification as Mississippi Choctaws of yourself and your three minor children, Gideon Moses, George A. and Emma J. Chambers, was made a part, refusing said application.

This decision is subject to your inspection, and the record in the case will be retained by the Commission for thirty days from the date of the rendition of the decision. At the expiration of that time the record, together with such argument and brief as may be submitted by the applicants and their attorneys, will be transmitted to the Secretary of the Interior for his consideration.

Respectfully,

Commissioner in Charge.

Registered

M. C. R. 5799

Muskogee, Indian Territory, June 26, 1905.

Alvan B. Chambers,
Isoro, Texas.

Dear Sir:

You are hereby notified that on the 30th day of March 1905 the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Jasper Chambers, et al., of which decision you were advised by registered mail on the 18th day of March 1904.

Respectfully,

Chairman.

For Identification as a Mississippi Choctaw.

Date

JUN 10 1902

Name Alvan B. ChambersAge 53 — Blood don't knowPost-Office, Q3070. — TexasFather: Jasper Chambers, lMother: Susanna " dClaims through father —
wife: Susan Chambers, l. w.

No claim for wife —

Children:

Gideon Moses Chambers, 17George a. " 13Emma J. " 11Claims for self &
3 minor children.

Stenographer

H. H. Martin.

Choctaw MCR 5800

William C. Chambers

See MCR 5670

MCR 5800

Department of the Interior,
Commission to the Five Civilized Tribes.
Muskogee, I. T., June 10, 1902.

5000.

In the matter of the application of William G. Chambers
for the identification of himself and his two minor children,
Rosie I. Chambers, and Jessica M. Chambers, as Mississippi Choctaws.

William G. Chambers being first duly sworn testifies as
follows:

Examination by the Commission.

- Q What is your name? A William G. Chambers.
Q What is your age? A I am twenty-nine.
Q Are you married? A Yes sir.
Q How many children have you? A Two.
Q What is your post-office address? A Fisher post-office, Fisher
County, Texas.
Q How long have you lived there? A Three years.
Q Where did you live before that? A Coryell County, Texas,
more post offices.
Q How long did you live there? A Ever since '74 I reckon, my
father moved there, or '78.
Q Did you always live in Texas? A I was born in Arkansas.
Q How long did you live in Arkansas? A Until I was two years old.
Q Is your father living? A Yes sir.
Q Is your mother living? A Yes sir.
Q What is your father's name? A Alvan B. Chambers.
Q What is your mother's name? A Susan Chambers.
Q Is your father, Alvan B. Chambers, the same one who has on the
above date, June 10th, 1902, made application to be identified
as a Mississippi Choctaw before the Commission? A Yes sir.
Q You claim through him then do you? A Yes sir.
Q How much Choctaw blood do you claim? A I don't know anything
about it.
Q Has your father here ever been recognized as a Choctaw Indian
or enrolled as a member of the Choctaw tribe by the Choctaw tri-
bal authorities or by the United States authorities in the
Indian Territory? A No sir.
Q Have you the proof of the marriage of your father and mother
with you? A No sir.
Q You can produce that within a few days can you, or will it be
filed in your father's application? A It will be filed in his
application I suppose.

The application of the father of this application, N. G. N
5000, is here referred to for the purpose of consolidation,
and also the case of William F. Chambers, N. G. N. 5001, is
referred to as being one of the relatives claiming under
the same common ancestor, John Rogers, as these applicants,
through whom they claim their Choctaw descent and right to be
identified as Mississippi Choctaws.

- 72
74
- Q What relation is William F. Chambers to you? A He is my uncle.
- Q Are you married? A Yes sir.
- Q What is your wife's name? A Emma Texas Chambers.
- Q A White woman? A Yes sir.
- Q You make no claim for her? A No sir.
- Q Have you any children that you want to make application for? A Yes sir, two.
- Q What is the name of the eldest? A Rosie I. Chambers.
- Q How old is Rosie? A Nine years old.
- Q What is the name of the next? A Jerima E. Chambers.
- Q How old is she? A Seven years old.
- Q You claim for yourself and these two children do you? A Yes sir.
- Q Is your name on any of the tribal rolls of the Choctaw Nation in the Indian Territory? A Not that I know of.
- Q Is Emma F. Chambers the mother of these children? A Yes sir.
- Q Is your wife and are these children living with you at your home? A Yes sir.
- Q When and where were you married to your wife, Emma? A In Mills County, Texas.
- Q What day of the month and year? A In 1891, November 11th.
- Q By a Minister under a license? A Yes sir.
- Q Have you ever made application for citizenship in the Choctaw Nation to the Choctaw tribal authorities in the Indian Territory? A No sir.
- Q Have you ever made application for citizenship in the Choctaw Nation for yourself and children to the Commission to the Five Civilized Tribes under the act of Congress of June 10, 1896? A No sir.
- Q Have you ever before this time made application for citizenship for yourself and children in the Choctaw Nation to any authority whatever? A No sir.
- Q Have you ever been enrolled with your children as citizens of the Choctaw Nation by the Choctaw tribal authorities, the Commission to the Five Civilized Tribes or the United States Court in the Indian Territory? A No sir.
- Q Do you now come before the Commission to identify yourself and these children as Mississippi Choctaws? A Yes sir.
- Q Do you claim under article fourteen of the treaty of 1830? A Yes sir, I suppose so.
- Q Do you understand that article? A No sir.

The treaty of 1830 was made between the United States government and the Choctaw Indians who lived in the old Choctaw Nation in Mississippi and Alabama in 1830. The object of the treaty was to remove the Indians from the old Choctaw Nation east of the Mississippi river to the Choctaw Nation in the Indian Territory. Before the treaty was signed it became known that a good many Indians would not go to the Choctaw Nation in the Indian Territory under the treaty; in order therefore, to protect the interests of those Indians who remained back in the old Choctaw Nation article fourteen was drafted and put into the treaty, which reads as follows:

ARTICLE XIV. Each Choctaw head of a family being desirous to remain and become a citizen of the states shall be permitted to do so, by signifying his intention to the Agent

within six months from the ratification of this treaty, and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land, to be bounded by sectional lines of survey; in like manner shall be entitled to one half that quantity for each unmarried child which is living with him over ten years of age; and a quarter section to such child as may be under ten years of age, to adjoin the location of the parent. If they reside upon said lands intending to become citizens of the states for five years after the ratification of this treaty, in that case, a grant in fee simple shall issue; said reservation shall include the present improvement of the head of the family, or a portion of it. Persons who claim under this article shall not lose the privilege of a Choctaw citizen, but if they ever remove are not entitled to any portion of the Choctaw annuity."

- Q What is the name of your Choctaw ancestor through whom you claim your right to be identified as a Mississippi Choctaw? A John Harper, I suppose.
- Q What relation is he to you? A My fourth grandfather.
- Q Your great, great, great grandfather,-- he must have lived a long time ago? A Yes surely did.
- Q Do you know when he died? A No sir.
- Q Don't you believe that he died some time before the year 1850? A If he didn't he was getting very old.
- Q You do not know when and where he was born? A No sir, don't know anything about that at all.
- Q Your father, Alvan B. Chambers, is now fifty-three years old? A Yes sir.
- Q And your grandfather, who is his father, is seventy-four years old? A Yes sir.
- Q He has been before the Commission has he not? A Yes sir.
- Q What is his name? A Jasper Chambers.
- Q He has been before the Commission? A I suppose he has.
- Q Where was he living at the time the treaty of 1830 was made? A I don't know.
- Q That would be seventy-two years ago, He would be two years old when that treaty was made, now can you say positively who were your Choctaw ancestors that were living in the old Choctaw Nation in Mississippi or Alabama in 1830 and had a family there then? A No sir.
- Q Do you think it was John Harper? A I can not say where he lived.
- Q If you say it was John Harper you want to remember that your grandfather, Jasper Chambers, was two years old in the year 1830, and he claims through his mother Lucinda Chambers, who lived in Kentucky, according to the testimony of your father, and she claims through Lydia Banks, who lived in Kentucky according to your father's testimony, and she claims through John Harper, thus taking you back a long ways? A Yes it is.
- Q Can you give me the name of any Choctaw ancestor who lived in Mississippi or Alabama in the old Choctaw Nation in the year 1830 and who had a family of children there then? A No sir.
- Q Can you give me the name of any Choctaw ancestor of yours who lived in either Alabama or Mississippi in the old Choctaw Nation? A No sir.
- Q Did you ever hear that any one of these Choctaw ancestors lived there? A No sir I never heard.

- Q You do not know that you had a Choctaw ancestor who lived in the old Choctaw Nation in Mississippi or Alabama? A No, not positively.
- Q Did any of your Choctaw ancestors own any land or claim any land in the old Choctaw Nation in Mississippi or Alabama under article fourteen of the treaty of 1830? A Not that I know of.
- Q Did any of your Choctaw ancestors own any improvements on land in Mississippi or Alabama in the year 1830? A I don't know.
- Q Did any of your Choctaw ancestors within six months after the ratification of the treaty of 1830 go to the United States Indian Agent, Colonel Ward, and tell him that they wanted to stay in Mississippi, take land there and become citizens of the state? A I can't say.
- Q Did any of your Choctaw ancestors come from that old Choctaw Nation east of the Mississippi river to the Choctaw Nation in the Indian Territory with the other Indians between 1835 and 1838 or 1840? A I can not say.

In the year 1837, and also in 1842, by various acts of congress, commissions were appointed, which went to Mississippi and heard claimants under article fourteen of the treaty of 1830. These Commissions were appointed because of the complaints made by the Choctaw Indians who lived in the old Choctaw Nation, and who had made application for registration to Colonel Ward United States Indian Agent, within six months after the ratification of the treaty of Dancing Rabbit Creek, but he refused to place their names upon what was known as "Ward's Register", and because of his refusal to do this the government took the land and improvements from a great many Choctaw Indians who had land in the old Choctaw Nation, and sold it at its public land sales.

- Q Do you know whether any of your Choctaw ancestors went before either of these Commissions appointed to hear these claimants and claimed any benefits as Choctaw Indians? A No sir I don't know.
- Q Did any of your Choctaw ancestors receive any script from the government which entitled them to select land in Mississippi, Alabama, Louisiana or Arkansas? A I don't know.

This script was issued under an act of congress approved August 23, 1842, and was given to those Choctaw Indians who had proved their claim under article fourteen of the treaty of 1830, and also proved that their land had been taken from them and sold by the government.

- Q Your father's case is M. G. R. 2796, and your uncle's, William F. Chambers, is M. G. R. 5525, would you like to have these cases consolidated and considered with this? A Yes sir.
- Q Do you understand or speak the Choctaw language? A No sir.
- Q Is there anything more you want to say in support of this claim? A No sir.
- Q You have introduced all the testimony you want to introduce? A Yes sir, all that I know of.

This applicant has the appearance and physical characteristics of being descended from white parentage; blue eyes, light complexion, somewhat florid now and tanned by the sun; light hair, and does not understand or speak the Choctaw language, and has no knowledge of the compliance on the part of his ancestors with any of the provision of article fourteen of the treaty of 1830.

V. H. Martin being first duly sworn on his oath states that as stenographer to the Commission to the Five Civilized Tribes he recorded the above proceedings on June 10th, 1902, and that the foregoing is a full, true and correct transcript of his stenographic notes in sum.

V. H. Martin

Subscribed and sworn to before me this 15th day of June, 1902.

Charles H. Sawyer

Notary Public

M C R 5800

Muskogee, Indian Territory, November 4, 1903.

William C. Chambers,
Fisher, Texas.

Dear Sir:

You are hereby notified that you will be allowed thirty days from this date in which to submit further evidence in support of the application of yourself and minor children for identification as Mississippi Choctaws, and at the expiration of said time this Commission will proceed to render its decision therein and no further evidence will then be received or extension of time granted.

Respectfully,

Chairman.

N C R 4800

Muskogee, Indian Territory, March 18, 1904.

William C. Chambers,
Fisher, Texas.

Dear Sir:

You are hereby advised that on March 4, 1904, the Commission rendered a decision in the consolidated Mississippi Choctaw case of Jasper Chambers, et al., of which the application made by you for the identification as Mississippi Choctaws of yourself and your two minor children, Rosie I. and Jemima B. Chambers, was made a part, refusing said application.

The decision in this case is subject to your inspection, and the record will be retained by the Commission for thirty days from the date of the rendition of the decision. At the expiration of that time the record, together with such argument and brief as may be submitted by the applicants and their attorneys, will be transmitted to the Secretary of the Interior for his consideration.

Respectfully,

Commissioner in Charge.

Registered

M. C. R. 5800.

Muskogee, Indian Territory, June 26, 1905.

William C. Chambers,
Picher, Texas.

Dear Sir:

You are hereby notified that on the 30th day of March 1905, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Jasper Chambers, et al., of which decision you were advised by registered mail on the 18th day of March 1904.

Respectfully,

Chairman.

For Identification as a Mississippi Choctaw.

Date

JUN 10 1899

Name *William C. Chambers,*

Age *29* Blood *don't know, -*

Post-Office, *Fisher, Texas,*

Father: *Abraham B. Chambers. l*

Mother: *Susan " l.*

Claims through

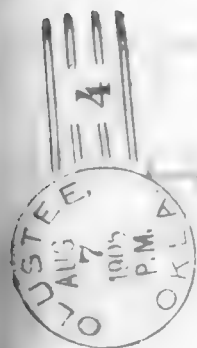
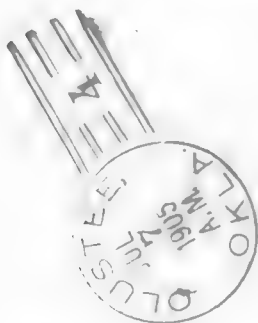
father
wife - *Emma T. Chambers. l.w.*

No claim for wife -

Children:

Rosie J. Chambers. 9
Jemima E. " 7

Claims for self &
2 children -



Aug 10, 1905



Choctaw MCR 5801

Joseph O. Light

See MCR 5802

MCR 5801

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application of Joseph O. Light, et al.,
for identification as Mississippi Choctaws, consolidating the ap-
plications of:-

Joseph O. Light, M.C.R. 2801
Eliza J. Self, et al., M.C.R. 2802

List of papers forwarded to the Secretary of the Interior
comprising the record in the above consolidated case.

	(Page)
Original application of Joseph O. Light, et al., to the Dawes Commission for identification as a Mississippi Choctaw-----	1
Original application of Eliza J. Self, et al., to the Dawes Commission for identification as Mississippi Choctaws-----	6
Decision of the Commission refusing the ap- plications in the consolidated case of Joseph O. Light, et al., for identification as Mississippi Choctaws-----	11

Department of the Interior,
Commission to the Five Civilized Tribes.
Muskogee, I. T. June 10, 1902.

#5801.

In the matter of the application of Joseph O. Light for
the identification of himself as a Mississippi Choctaw.

Thomas & Harrison, attorneys for applicant.

Joseph O. Light being first duly sworn testifies as follows:

Examination by the Commission.

- Q What is your name? A Joseph O. Light.
- Q What is your age Mr. Light? A Twenty-two.
- Q Are you married? A No sir.
- Q What is your post-office address? A Beggs, I. T.
- Q How long have you lived at Beggs? A About three months.
- Q How long have you lived in the Territory? A About fifteen or sixteen years.
- Q Where have you lived most of the time in the Territory? A In the Choctaw, Chickasaw and Creek Nations.
- Q Where were you born? A In Texas.
- Q Where in Texas? A Lived most of the time in Wise County.
- Q Is your father living? A Yes sir.
- Q Is your mother living? A Yes sir.
- Q What is the name of your father? A Joseph M. Light.
- Q What is your mother's name? A Almadie E. Light.
- Q Do you claim through your father or mother? A Mother.
- Q How much Choctaw blood do you claim? A One-Sixteenth.
- Q Has your mother ever been recognized as a Choctaw Indian or enrolled as one by the Choctaw tribal authorities or the United States authorities in the Indian Territory? A No sir.
- Q You just claim for yourself? A Yes sir.
- Q Is your name on any of the tribal rolls of the Choctaw Nation in the Indian Territory? A No sir.
- Q Have you ever made application for citizenship in the Choctaw Nation to the Choctaw tribal authorities in the Indian Territory? A No sir.
- Q Have you ever made application for citizenship in the Choctaw Nation to the Commission to the Five Civilized Tribes in the Indian Territory under the act of Congress of June 10, 1902? A No sir.
- Q Have you ever been admitted to citizenship in the Choctaw Nation by either the Choctaw tribal authorities, the Commission to the Five Civilized Tribes, or the United States Court in the Indian Territory? A No sir.

- Q This is the first application you have made to any authority whatever for citizenship in the Choctaw Nation? A Yes sir.
- Q Do you now come before the Commission to be identified as a Mississippi Choctaw claiming under article fourteen of the treaty of 1830? A Yes sir.
- Q Do you understand that article? A Not thoroughly I don't believe.

The treaty of 1830 was made between the United States government and the Choctaw Indians at a place in Mississippi called Dancing Rabbit Creek on the 27th day of September of that year. The object of the treaty was to remove as far as practicable all of the Choctaw Indians who lived in the old Choctaw Nation east of the Mississippi river from that old Choctaw Nation to the Choctaw Nation, Indian Territory; before the treaty was signed it became known that a good many of the Choctaw Indians would not go to the Choctaw Nation Indian Territory under the treaty, and in order to protect the interests of those Indians remained back there in the old Choctaw Nation article fourteen was put into the treaty of 1830, which reads as follows:

"ARTICLE XIV. Each Choctaw head of a family being desirous to remain and become a citizen of the states shall be permitted to do so, by signifying his intention to the Agent within six months from the ratification of this treaty, and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land, to be bounded by sectional lines of survey; in like manner shall be entitled to one-half that quantity for each unmarried child which is living with him over ten years of age, and a quarter section to such child as may be under ten years of age, to adjoin the location of the parent. If they reside upon said lands intending to become citizens of the states for five years after the ratification of this treaty, in that case, a grant in fee simple shall issue; said reservation shall include the present improvement of the head of the family, or a portion of it. Persons who claim under this article shall not lose the privilege of a Choctaw citizen, but if they ever remove are not entitled to any portion of the Choctaw annuity."

- Q Did any of your Choctaw ancestors comply or attempt to comply with any of the provisions of that article of that treaty? A Not that I know of.
- Q What is the name of your ancestor through whom you claim your right to be identified as a Mississippi Choctaw? A Shoemake, I believe.
- Q What is the full name? A I can not tell you the other name.
- Q You do not think of the first name? A No sir.
- Q What relation was this Shoemake to you? A My great grandmother.
- Q Did she live in Mississippi or Alabama? A Mississippi I understand.
- Q Did she live there in 1830? A I don't know.
- Q Did she have a family of children there either in Mississippi or Alabama in 1830? A I don't know.

- Q Can you give me the name of any Choctaw ancestor of yours who did live in the old Choctaw Nation in Mississippi or Alabama in 1830, and was the head of a family there at that time? A Yes sir.
- Q How much Choctaw blood did your great grandmother have, this Shoemaker? A One-fourth, I believe.
- Q That would hardly make your statement right about the quantity of blood you claim; if your great grandmother was one-fourth and you one-thirtysecond? A I might have been wrong that time; I understand that my mother was one-fourth.
- Q I asked you how much your great grandmother had? A I can not say, I have heard that my mother was one-fourth.
- Q If your mother was one-fourth then you would be one-eighth instead of one-sixteenth? A Its her that one-eighth and be one-sixteenth.
- Q Can you tell how much Choctaw blood your great grandmother had? A No sir, I would not undertake to say.
- Q You claim through your mother? A Yes sir.
- Q Alzadie E Light, is it? A Yes sir.
- Q Has she been before the Commission to be identified as a Mississippi Choctaw? A Yes sir.
- Q How do you remember? A Yes sir I don't remember.
- Q Did she ask to be identified as a Mississippi Choctaw? A Yes sir; I don't know.
- Q Did she apply as a Mississippi Choctaw to be identified? A Yes sir.
- Q How old is your mother? A Forty-six.
- Q Did she live in Mississippi at any time? A Not that I know of.
- Q Where was she born? A In Missouri.
- Q And where did she go? A To Texas.
- Q And lived there ever since? A No sir, lived there until fifteen or sixteen years ago and we moved to the Territory.
- Q Your mother claimed through whom, her father or mother? A Through her father I believe.
- Q What was her father's name? A I don't understand that exactly.
- Q You say she claimed through her father; she must have Choctaw blood through either her father or mother, which was it? A Her father, I believe; I have naturally forgotten it. It was her mother.
- Q What was her mother's name? A Shoemaker.
- Q What was the full name? A I do not know.
- Q Did any of your Choctaw ancestors own any land or claim any land in Mississippi or Alabama in the old Choctaw Nation under article fourteen of the treaty of 1830? A Not that I know of.
- Q Did any of your Choctaw ancestors own any improvements on land in Mississippi or Alabama in 1830? A No sir.
- Q Did any of your Choctaw ancestors within six months after the ratification of the treaty of 1830 go to the United States Indian Agent, Colonel Ward, and tell him that they wanted to stay in Mississippi, take land there and become citizens of the United States? A Not that I know of.
- Q Did you ever hear that any of your Choctaw ancestors went from that old Choctaw Nation east of the Mississippi River to the

Choctaw Nation Indian Territory with the other Indians between 1835 1838 and 1840? A No sir I don't know.

The Choctaw Indians who remained in the old Choctaw Nation after the treaty of 1830 was ratified were required, if they wanted to take advantage of article fourteen of that treaty, to go to Colonel Ward, United States Indian Agent, within six months after the ratification of the treaty of 1830, and tell him that they wanted to stay in Mississippi, take land there and become citizens of the states. A great many Choctaw Indians did this whose names Colonel Ward neglected to put upon his list, known as "Ward's Register"; his neglect to do this caused a good many Indians to lose their lands and the improvements in the old Choctaw Nation; both being taken from them by the government and sold at its public land sales. This caused a good many complaints among the Indians, so by an act of Congress approved March 3rd, 1837, a Commission was appointed, which Commission went to Mississippi and heard claimants under article fourteen of the treaty of 1830; also in 1842 another Commission was appointed by Congress under an act approved August 23rd of that year, which Commission also went to Mississippi and heard claimants under article fourteen of that treaty.

- Q Did any of your ancestors go before either of these two Commissions and claim any benefits as Choctaw Indians under article fourteen of that treaty? A Not that I know of.
- Q Did any of your Choctaw ancestors receive any script from the government as Choctaw Indians which entitled them to select land either in Mississippi, Alabama, Louisiana or Arkansas, to take the place of and which they had once had and which was taken from them by the government and sold? A No sir.

This script was issued under an act of Congress approved August 23rd, 1842, and was issued to those Choctaw Indians who proved their claim under article fourteen of the treaty of 1830, and who also further proved that they had formerly had land in the old Choctaw Nation which the government had taken from them and sold.

- Q Have you any relatives who have been before this Commission to be identified as Mississippi Choctaws? A I have some cousins who have been before them, and my mother put in application.
- Q Alzadie E. Light? A Yes sir.
- Q Do you want to have your case consolidated with the case of your mother, Alzadie E. Light, M. C. R. 5662? A Yes sir.
- Q And also with the cases of other relatives of yours who claim through the same common ancestor? A Yes sir.
- Q Do you speak or understand the Choctaw Language? A No sir.
- Q Is there anything further you want to say in support of this claim? A No sir.

By Mr. W. H. Harrison, attorney for applicant:

- Q Have you ever heard your mother or any member of your family, particularly among the old people, in speaking of your family history and tradition, say anything about your Mississippi Choctaw ancestors, state what you remember to have heard? A I have

- heard them talk about having Indian blood ever since I remember.
- Q Who do you remember having heard talk this? A My mother and father talked about it.
- Q Did they say what kind of Indian blood or what Nation or tribe of Indians? A I don't remember that.
- Q Did you ever hear them say you were Cherokee, or Choctaw, or did they ever locate in Mississippi the residence of any of your people through whom you claim this Indian blood? A I don't understand.
- Q Did you ever hear them talk about Mississippi as being the place where your Indian ancestors came from? A I believe as far as I can remember.
- Q Did you ever hear any of your family say anything about your Mississippi Indian ancestors trying to get land down there as a Choctaw? A No sir, they could get no trace of it until here lately. They never could get track of it just right until here lately.

By the Commission:

This applicant has the appearance and physical characteristics of being descended from white parentage; he has blue eyes, brown hair, medium fair complexion; he has no knowledge of the Choctaw language and no knowledge of the compliance on the part of his ancestors with any of the provisions of article fourteen of the treaty of 1830.

W. H. Martin being first duly sworn on oath states that as stenographer to the Commission to the Five Civilized Tribes he recorded the above proceedings on the 10th day of June, 1902, and that the foregoing is a full, true and correct transcript of his stenographic notes in the same.

W. H. Martin

Subscribed and sworn to before me this 13th day of June, 1902.

Charles H. Sawyers

Notary Public.

COPY

C. v. W.

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.

--8--

In the matter of the application of Joseph O. Light, et al.,
for identification as Mississippi Choctaws, consolidating the ap-
plications of:-

Joseph O. Light, M.C.R. 8801
Eliza J. Self, et al., M.C.R. 8802

---: D E C I S I O N :---

It appears from the record herein that applications for
identification as Mississippi Choctaws were made to this Commission
by Joseph O. Light for himself; and by Eliza J. Self for herself
and her minor child, Minnie Hilgen, under the following provision
of the act of Congress approved June 25, 1898 (30 Stat., 498):

"Said Commission shall have authority to determine the
identity of Choctaw Indians claiming rights in the Choctaw
lands under article fourteen of the treaty between the United
States and the Choctaw Nation, concluded September twenty-
seventh, eighteen hundred and thirty, and to that end may ad-
minister oaths, examine witnesses, and perform all other acts
necessary thereto and make report to the Secretary of the
Interior."

It also appears that all of said applicants claim rights
in the Choctaw lands under article fourteen of the treaty between
the United States and the Choctaw Nation, concluded September twenty-

seventh, eighteen hundred and thirty, by reason of being descendants of Jane Shoemake, who is alleged to have been a Choctaw Indian, degree of blood not stated.

It appears from the evidence submitted by the applicants that they claim from a more remote Choctaw ancestor than the one above given who they allege was the great-grand-mother of principal applicant and surnamed Shoemake, who was a quarter or half blood Choctaw Indian, but they are only able to give the surname of this ancestor and it is, therefore, impossible for the Commission to determine whether or not that ancestor was a beneficiary under the provisions of article fourteen of the treaty of "Dancing Rabbit Creek."

It further appears from the evidence submitted in support of said applications, and from the records in the possession of the Commission, that none of said applicants has ever been enrolled by the Choctaw tribal authorities as a member of the Choctaw tribe, or admitted to Choctaw citizenship by a duly constituted court or committee of the Choctaw Nation, or by the Commission to the Five Civilized Tribes, or by a decree of the United States Court in Indian Territory, under the provisions of the act of Congress approved June 10, 1896 (29 Stats., 321).

It does not appear from the testimony and evidence offered in support of said applications, or from the records in the possession of the Commission relating to persons who complied or attempted to comply with the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and to persons who heretofore were claimants thereunder, that the said Jane Shoemake signified (in person or by proxy) to Colonel Wm. Ward, Indian Agent, Choctaw Agency, an intention to comply with the provisions of said article fourteen.

or presented a claim to rights thereunder to either of the Commissioners authorized to adjudicate such claims by the acts of Congress approved March 3, 1837 (5 Stats., 180) and August 23, 1842 (5 Stats., 513).

It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Joseph O. Light, Eliza J. Self and Minnie Wilson, as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen, of the treaty of eighteen hundred and thirty, and that the application for their identification as such should be refused, and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

(SIGNED).

Tams Dixby.

Acting Chairman.

(SIGNED)

T. B. Needles.

Commissioner.

(SIGNED).

C. R. Breckinridge.

Commissioner.

Muskogee, Indian Territory,

FEB 5 1903

COPY.

M C R 5801

Muskogee, Indian Territory, February 5, 1903.

Thomas & Harrison,

Attorneys-at-Law,

Muskogee, Indian Territory.

Gentlemen:

You are hereby advised that on the 5th day of February, 1903, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Joseph O. Light, et al., embracing the following applications for identification as Mississippi Choctaws:

Joseph O. Light, M C R 5801
Eliza J. Self, et al., M C R 5802

These applications were made under the provision of the Act of Congress of June 28, 1898 (30 Stats., 495), which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto, and make report to the Secretary of the Interior."

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Joseph O. Light, Eliza J. Self and Minnie Ellison, as Choctaw

Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the application for their identification as such should be refused, and it is so ordered."

You are further advised that the principal applicants in this case have been allowed fifteen days from the date hereof, within which to file arguments in this office, and that at the expiration of said time the papers in the case, together with such arguments, will be forwarded to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

SIGNED

Tame Dixby.

Acting Chairman.

Registered.

COPY

M C R 5801

Muskogee, Indian Territory, February 8, 1903.

Mansfield, McMurray & Cornish,
Attorneys for the Choctaw and Chickasaw Nations,
South McAlester, Indian Territory.

Gentlemen:

You are hereby advised that on the 5th day of February, 1903, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Joseph O. Light, et al., embracing the following applications for identification as Mississippi Choctaws:

Joseph O. Light, M C R 5801
Eliza J. Self, et al., M C R 5802

These applications were made under the provision of the act of Congress of June 28, 1898 (30 stats., 495).

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Joseph O. Light, Eliza J. Self and Minnie Ellison, as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the application for their identification as such should be refused, and it is so ordered."

You are further advised that the principal applicants in this case have been allowed fifteen days from the date hereof, within which to file arguments in this office, and that at the expiration of said time, the papers in the case, together with

such arguments, will be forwarded to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

3-17

Tame Dixby.
Acting Chairman.

COPY.

M C R 5801

Muskogee, Indian Territory, February 5, 1903.

Joseph O. Light,

Beggs, Indian Territory.

Dear Sir:

You are hereby advised that on the 5th day of February, 1903, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Joseph O. Light, et al., embracing the following applications for identification as Mississippi Choctaws:

Joseph O. Light,
Eliza J. Self, et al.,

M C R 5801
M C R 5802

These applications were made under the provision of the Act of Congress of June 28, 1898 (30 Stats., 495), which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto, and make report to the Secretary of the Interior."

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Joseph O. Light, Eliza J. Self and Minnie Ellison, as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen

J.O.Light---8

hundred and thirty, and that the application for their identification as such should be refused, and it is so ordered."

You are further advised that you will be allowed fifteen days from the date hereof within which to file arguments in this office, and that at the expiration of said time the papers in the case, together with such arguments, will be forwarded to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

Tamc Bixby.

Acting Chairman.

Registered.

Muskogee, Indian Territory, February 21, 1903.

The Honorable

The Secretary of the Interior.

Sir:

There is transmitted herewith the record in the consolidated case of Joseph S. Light, et al., applicants to the Commission for identification as Mississippi Choctaws, including the decision of the Commission of February 5, 1903.

The above consolidated case embraces the following original applications for identification as Mississippi Choctaws, heard by the Commission:

Joseph S. Light	M.C.R. 5801
Eliza J. Self, et al.	M.C.R. 5802

The Commission has the honor to report that the principal applicants in the several separate applications, their attorneys of record and the attorneys for the Choctaw and Chickasaw Nations have been duly advised by letter of the action of the commission, copies of said letters being attached to the record.

The applicants in this case are related to the applicants in the consolidated Mississippi Choctaw case of Jimmie Morrett, et al., decision in which was rendered by the Commission on July 14, 1903, and approved by the Secretary on October 24, 1903.

Respectfully,

Through the

Commissioner of Indian Affairs,

Jame Dixey.

Chairman.

COPY
DEPARTMENT OF THE INTERIOR,
OFFICE OF INDIAN AFFAIRS,
WASHINGTON.

Land
25,432-1903.

April 1, 1903.

The Honorable

The Secretary of the Interior.

Sir:

There is enclosed, herewith, the record and proceedings of the Commission to the Five Civilized Tribes, in the matter of the consolidated application for identification as Mississippi Choctaws of Joseph O. Light for himself and Eliza Self for herself and her minor child, Minnie Ellison, wherein a decision adverse to the applicants was rendered by the Commission on February 5, 1903.

The record evidence in this case shows that the applicants base their claim to identification by reason of descent from Jane Shoemake, who it is alleged, was a citizen of the Choctaw Nation and resided in the State of Mississippi in 1830.

The Commission makes its decision rejecting these applicants on the ground that its records do not show that Jane Shoemake, or an ancestor less remote, ever complied or attempted to comply with the provisions of the 14th article of the Choctaw treaty of 1830.

It appears from an examination of the records of this office that no such person as Jane Shoemake ever complied or attempted

to comply with the provisions of the 14th article of the Grooten
treaty of 1830, and I therefore recommend that the decision of
the Commission rejecting these applicants be approved.

Very respectfully,

A. C. Tonnar,

Acting Commissioner.

(S.B.H.)

P.

COPY

DEPARTMENT OF THE INTERIOR
WASHINGTON.

THE

D. C. 11667
ITD 3624-1903.

L R S

April 21, 1903.

Commission to the Five Civilized Tribes,

Muskogee, Indian Territory.

Gentlemen:

February 21, 1903, you transmitted the record in the consolidated case embracing the applications for identification as Mississippi Choctaws of Joseph O. Light (M C R 5801), for himself; and of Eliza J. Self for herself and her minor child, Minnie Ellison, including your decision of February 5, 1903, denying their applications.

The applicants claim rights in Choctaw lands under article 14 of the treaty of September 27, 1830, by reason of being descendants of Jane Shoemake, who is alleged to have been a Choctaw Indian, degree of blood not stated.

The records fail to show that the applicants were ever admitted or enrolled as members of the Choctaw tribe of Indians, or that their alleged ancestors ever complied or attempted to comply with said article 14 of the treaty of 1830, or with the subsequent acts of Congress relating thereto.

-2-

Reporting in the matter April 1, 1903, the Acting Commissioner of Indian Affairs recommends that your decision be approved. A copy of his letter is inclosed.

The Department finds no reason to disturb your decision, and it is hereby affirmed.

Respectfully,

(signed)

THOS RYAN,
Acting Secretary.

1 inclosure.

M.C.R. 5801

COPY.

Muskogee, Indian Territory, April 30, 1903.

Mansfield, McKarray & Cornish,

Attorneys for the Choctaw and Chickasaw Nations,

South McAlester, Indian Territory.

Gentlemen:

You are hereby notified that on the 21st day of April, 1903, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Joseph O. Light, et al., of which decision you were advised by mail on the 5th day of February, 1903.

Respectfully,

SIGNED

Tams Bixby

Chairman.

M.C.R. 5801

COPY.

Muskogee, Indian Territory, April 30, 1903.

Thomas & Harrison,

Attorneys at Law,

Muskogee, Indian Territory.

Gentlemen:

You are hereby notified that on the 21st day of April, 1903, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Joseph O. Light, et al., of which decision you were advised by registered mail on the 5th day of February, 1903.

Respectfully,

(SIGNED)

Tams Bixby.

Chairman.

AMERICAN
TAMM HALL
DEPT. OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES
WASHINGTON

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES

10-113
M.C.R. 5801

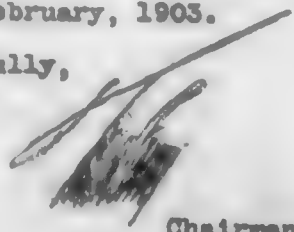
ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES Muskogee, Indian Territory, April 30, 1903.

Joseph O. Light,
Beggs, Indian Territory.

Dear Sir:

You are hereby notified that on the 21st day of April, 1903, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Joseph O. Light, et al., of which decision you were advised by registered mail on the 5th day of February, 1903.

Respectfully,



Chairman.

Consolidated Case
of
Eliza J. Self et al.

5802

(Sup. Ct. 5)

Age Sex

POST OFFICE

RESIDENCE
COUNTY

- Shoemaker $\frac{1}{2}$

Jane Shoemaker

5662

Alyadie E. Light

hus

- ① Meritt Hill_(dead)
- ② Joseph M. Light

mar
5802

Eliza J. Hill 27 $\frac{1}{16}$

mar

① Frank Ellison
(dead)

② Mid T. Self

mar
5802

Joseph O. Light 22 $\frac{1}{16}$

mar
5802

Minnie Ellison 10

supplemental
to

6 7 5

No. 5501

For identification as a Mississippi Choctaw.

Date

JUN 16 1902

Name Joseph O. Light.

Age 22

Blood 1/16

Post-Office, Beggs, I.T., -

Father: Joseph M. Light l.

Mother: Alzadie E. " l.

Claims through mother

~~Children:~~

Claims for sep
alone

Stenographer

W. H. Martin

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

FILED

MAR 17 1903

[Handwritten signature]

CHAIRMAN

RECORDED
INDEXED

5861

File



COMMISSIONER OF THE BUREAU OF INDIAN AFFAIRS
WASHINGTON, D. C.

JUL 2 1903



CHAIRMAN

Choctaw MCR 5802

Eliza J. Self

See MCR 5801

Supplemental to 675

MCR 5802

Department of the Interior,
Commission to the Five Civilized Tribes.
Muskogee, I. T., June 10, 1902.

43002.

In the matter of the application of Eliza J. Self for the identification of herself and her minor child, Minnie Ellison, as Mississippi Choctaw.

Thomas A. Harrison, Attorney for applicant.

Eliza J. Self being first duly sworn testifies as follows:

Examination by the Commission.

Q What is your name? A Eliza J. Self.
Q What is your age? A Twenty-seven.
Q What is your post-office address? A Mounds.
Q What state? A Indian Territory.
Q How long have you lived at Mounds? A About four years.
Q Where did you live before that? A Lived in the Choctaw Nation.
Q How long have you lived in the Indian Territory altogether?
A About fifteen years.
Q Where did you live before that? A In Texas.
Q Were you born in Texas? A Yes sir.
Q What place? A Decatur, Wise County.
Q Is your father living? A No sir.
Q Is your mother living? A Yes sir.
Q What was your father's name? A Merrett Hill.
Q What is your mother's name? A Almeda E. Light.
Q Is she married again? A Yes sir.
Q Through which parent do you claim Choctaw blood? A My mother.
Q How much do you claim? A One-sixteenth.
Q Has your mother ever been recognized or enrolled as a member of the Choctaw tribe of Indian either by the Choctaw tribal authorities or the United States authorities in the Indian Territory? A No sir.
Q Are you married? A Yes sir.
Q What is your husband's name? A Ed T. Self.
Q Is he living? A Yes sir.
Q Is he a Choctaw Indian or white man? A A Creek Indian.
Q Do you make any claim for him as a Choctaw? A No sir.
Q Have you any children that you want to make application for?
A One.
Q What is the name of that child? A Minnie Ellison.
Q How old is she? A Ten years old.
Q Is Minnie Ellison your child? A Yes sir.
Q What was this child's father's name? A Frank Ellison.
Q Is he dead? A Yes sir.
Q When and where did he die? A At Coalgate, Choctaw Nation, nine years ago.

- Q You have only this child; you have none by the second husband?
A No sir.
- Q You claim for yourself and Minnie, the child? A Yes sir.
- Q Was Ellison your first husband? A Yes sir.
- Q Is your name on any of the tribal rolls of the Choctaw Nation in the Indian Territory? A No sir.
- Q Have you ever made application for citizenship in the Choctaw Nation to the Choctaw tribal authorities in the Indian Territory? A No sir.
- Q Have you ever made application for citizenship for yourself and child in the Choctaw Nation to the Commission to the Five Civilized Tribes under the act of Congress of June 10, 1896? A No sir.
- Q Have you ever been admitted to citizenship in the Choctaw Nation with your child by the Choctaw tribal authorities, the Commission to the Five Civilized Tribes or the United States Court in the Indian Territory? A No sir.
- Q Is this the first application of any kind you have ever made for citizenship in the Choctaw Nation for yourself and child to either the Choctaw tribal authorities or the United States authorities in the Indian Territory? A Yes sir.
- Q Do you now come before the Commission to identify yourself and your minor child as Mississippi Choctaws? A Yes sir.
- Q Do you claim under article fourteen of the treaty of 1830? A Yes sir.
- Q Do you understand that article? A No sir I don't know that I do.

The treaty of 1830 was made between the United States and the Choctaw Indians at a place in Mississippi called Dancing Rabbit Creek, on the 27th day of September, 1830, and was ratified on the 24th day of February, 1831. The object of the treaty was to remove as far as practicable all the Choctaw Indians from the old Choctaw Nation east of the Mississippi river to the Choctaw Nation, Indian Territory. Before the treaty was signed it became known that a good many Choctaw Indians would not go to the Choctaw Nation Indian Territory, and in order to protect the interests of those Indians who remained back in the old Choctaw Nation article fourteen was put into the treaty of 1830, which article reads as follows:

ARTICLE XIV. Each Choctaw head of a family being desirous to remain and become a citizen of the states shall be permitted to do so by signifying his intention to the Agent within six months from the ratification of this treaty, and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land, to be bounded by sectional lines of survey; in like manner shall be entitled to one half that quantity for each unmarried child which is living with him over ten years of age, and a quarter section to each child as may be under ten years of age, to adjoin the location of the parent. If they reside upon said lands the pending to become citizens of the states for five years after the ratification of this treaty, in that case, a grant in fee simple shall issue; said reservation shall include the present improvement of the head of the family, or a portion of it. Persons who claim under this article shall not lose the privilege

lage of a Choctaw citizen, but if they ever remove are not entitled to any portion of the Choctaw annuity".

- Q What is the name of your Choctaw ancestor through whom you claim your right to be identified as a Mississippi Choctaw? A Shoemake, I don't remember the first name.
- Q What relation is Shoemake to you? A My great grandmother.
- Q How old would she be if living now? A I don't know just how old.
- Q How much Choctaw blood did she have? A She was a half breed.
- Q Did she live in the old Choctaw Nation in Mississippi or Alabama? A I don't know whether she did or not.
- Q Whom did she marry, do you know? A No sir, I don't know.
- Q You claim through your mother? A Yes sir.
- Q Did she ever live in Mississippi or Alabama? A No sir.
- Q She claims through whom, her father or mother? A Her mother?
- Q Did her mother ever live in Mississippi or Alabama? A Yes sir, I think she did.
- Q Her maiden name was Shoemake? A No sir, her maiden name was not Shoemake, I don't believe. I don't remember her maiden name.
- Q How was she related to Shoemake, your great grandmother, I have been talking of your grandmother, and you say you claim through your great grandmother, your great grandmother must have been the mother of your grandmother? A Yes, my grandmother's maiden name was Shoemake.
- Q What was your grandmother's Christian name? A Her name was Jane.
- Q Did she ever live in the old Choctaw Nation in Mississippi or Alabama? A I do not know.
- Q Do you know whether your great grandmother lived in the old Choctaw Nation in Mississippi or Alabama in 1830? A No sir I do not.
- Q Can you give me the name of your Choctaw ancestor who did live in the old Choctaw Nation in Mississippi or Alabama in 1830? A No sir.
- Q Did any of your Choctaw ancestors own any land or claim any land in Mississippi or Alabama under article fourteen of the treaty of 1830? A I do not know.
- Q Did any of your Choctaw ancestors own any improvements on land in the old Choctaw Nation in Mississippi or Alabama during the years 1830, or any time before that? A I don't know.
- Q Did any of your Choctaw ancestors go from that old Choctaw Nation east of the Mississippi river to the Choctaw Nation, Indian Territory with the other Indian between 1833 and 1838 or 1840? A I don't know.
- Q Did any of them within six months after the ratification of the treaty of 1830 go to the United States Indian Agent, Colonel Ward and tell him that they wanted to stay in Mississippi, take land there and become citizens of the state? A Not that I know of.
- Q You do not know whether any of them complied with the provisions of article fourteen of the treaty of 1830 or not? A No sir.

The Indians who remained in the old Choctaw Nation in Mississippi and Alabama were required if they wanted to take advantage of article fourteen of that treaty to go to Colonel Ward United States Indian Agent within six months from the date

fication of the treaty and tell him that they wanted to stay in Mississippi take land there and become citizens of the state. A great many Choctaw Indians did this whose names Colonel Ward failed to put upon his list known as "Ward's Register", and his failure to do this caused a great many Choctaw Indians to lose their lands and improvements, both being taken from them by the government and sold at its public land sales. This caused the Indians to make a great many complaints; so that in 1837 by an act of Congress approved March 3rd of that year a Commission was appointed by Congress, and in 1842 another Commission was appointed under an act of Congress approved August 23rd of that year; both of these Commission went to Mississippi and heard claimants under article fourteen of the treaty of 1830.

- Q Did any of your Choctaw ancestors go before either one of these Commissions and claim any benefits as Choctaw Indians? A Not that I know of.
- Q Did any of them receive any script from the government which entitled them to select land either in Mississippi, Alabama, Louisiana or Arkansas? A Not that I know of.

This script was issued under an act of Congress approved August 23rd, 1842, and was issued to those Choctaw Indians who proved their rights under article fourteen of the treaty of 1830, and further proved that their lands which they once held in the old Choctaw Nation was taken from them by the government and sold.

- Q Is Almásie E. Light any relation of yours? A Yes sir, my mother.
- Q Do you want to have the case of hers and the case of your brother, Joseph O. Light, consolidated with your case? A Yes sir.
- Q Do you wish any time in which to introduce testimony in support of this claim?

Mr Harrison, attorney for applicant: We would like to have a reasonable time to introduce testimony.

By the Commission: Thirty days time is allowed from the date of this application for this applicant to introduce any other proper evidence in support of this claim.

By Mr Harrison:

- Q Do you remember having heard any conversations with your mother or by your mother with another, or by any member of the family relative to their rights as Choctaw Indians back in Mississippi? A Yes, I have always heard ever since I could remember about them speaking about my Indian blood.
- Q Who have you heard speaking this way? A My mother and my grand father, and several elder members of the family.
- Q What would they say? A They said we were Indians.
- Q Did he undertake at any time, if you remember, to say what Nation or tribe of Indians you belonged to? A Choctaw.
- Q Did he speak of any particular state in which they lived? A No.

not that I know of.

- Q Did you hear him say anything about what were called Mississippi Choctaws? A Yes I have.
- Q Did he tell you anything else about your family history and tradition, about being members of the Choctaw tribe of Indians in Mississippi? A No sir.
- Q Did you ever hear your grandfather or your mother or any other older member of your family say anything of any of your Mississippi Indian ancestors away back beyond say 1838 getting any land from the government as an Indian, or trying to get any land from the government as an Indian? A No sir.
- Q Do you now remember any other conversation in your family with reference to the fact of you having Indian blood and belonging to the Choctaw tribe of Indians? A No sir.
- Q You have told all that you know from family history and tradition about your claim as a Choctaw Indian? A Yes sir.

By the Commission:

- Q Do you speak the Choctaw language? A No sir.

This applicant has the appearance and physical characteristics of being descended from white parentage; blue eyes; light complexion; brown hair; does not understand the Choctaw language, and has no knowledge of the compliance on the part of her ancestors with article fourteen of the treaty of 1830.

W H Martin being first duly sworn on oath states that as stenographer to the Commission to the Five Civilized Tribes he recorded the above proceedings on the 10th day of June, 1902, and that the foregoing is a full, true and correct transcript of his stenographic notes in the same.

W H Martin

Subscribed and sworn to before me this 14th day of June, 1902.

Charles H. Sawyer

Notary Public.

COPY.

M C R 5802

Muskogee, Indian Territory, February 6, 1903.

Eliza J. Self,

Mounds, Indian Territory.

Dear Madam:

You are hereby advised that on the 5th day of February, 1903, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Joseph O. Light, et al., embracing the following applications for identification as Mississippi Choctaws:

Joseph O. Light,
Eliza J. Self, et al.,

M C R 5801
M C R 5802

These applications were made under the provision of the Act of Congress of June 28, 1898 (30 Stats., 496), which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto, and make report to the Secretary of the Interior."

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Joseph O. Light, Eliza J. Self and Minnie Ellison, as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the application for their identification as such, should be refused, and it is so ordered."

E. J. Self---2

You are further advised that you will be allowed fifteen days from the date hereof within which to file arguments in this office, and that at the expiration of said time the papers in the case, together with such arguments, will be forwarded to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

(SIGNED).

Tame Bixby.
Acting Chairman.

Registered.

M.C.R. 5602.

COPY.

Muskogee, Indian Territory, April 30, 1903.

Eliza J. Self,

Younde, Indian Territory.

Dear Madam:

You are hereby notified that on the 21st day of April, 1903, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Joseph O. Light, et al., of which decision you were advised by registered mail on the 5th day of February, 1903.

Respectfully,

SIGNED:

Tams Bixby.
Chairman.

For Identification as a Mississippi Choctaw.

Date JUN 10 1902

Name *Eliza J. Sref* —

Age 27 Blood 11/16

Post-Office, Mounds, I.T.

Father: Merritt Hill, d

Mother: Algadie E. Light, l

Claims through mother

Husband ²¹ *Mid. T. Self, l. Creek*Frank Ellison 1st ^{Indian} husband

No claim for husband

Children:

Minnie Ellison 10*claims for self
and child*Stenographer *W. H. Martin*

Choctaw MCR 5803

Sydney L. Dumas

See MCR 4006

MCR 5803

Department of the Interior,
Commission to the Five Civilized Tribes.
Muskogee, I. T., June 11, 1902.

#5803.

In the matter of the application of Sydney L. Dumas for
the identification of himself as a Mississippi Choctaw.

J. G. Ralls, attorney for applicant.

Sydney L. Dumas being first duly sworn testifies as follows:

Examination by the Commission.

- Q What is your name? A Sydney L. Dumas.
Q Your age? A Thirty-three.
Q Are you married? A No sir.
Q You make application just for yourself alone? A Yes sir.
Q What is your post-office address? A Shreveport, Indiana at
present.
Q Where will you get your mail now, for the next week or so? A
Sulphur Springs, Texas.
Q But in the future? A I do not know; I am unsettled.
Q Do you want to give Shreveport as your postoffice address?
A I reckon Sulphur Springs, Texas.
Q Where were you born? A In DeSoto County, Mississippi.
Q How long did you live in Mississippi? A I left there when I
was quite young, I don't remember just when we left DeSoto
County.
Q Where did you go from DeSoto County? A White County, Arkansas.,
no from DeSoto we went to Ball County.
Q How long did you live in Arkansas? A I have been practically
raised there, about fifteen or sixteen years.
Q Where did you live in Arkansas? A Bald Knob, White County.
Q From there you went where? Q I run around a good deal.
Q Have you no place where you call your home? A No sir, I am
unsettled.
Q You have been in Texas? A Yes, and Louisiana.
Q How long did you live in Louisiana? A Off and on ever since
'94.
Q You have given Sulphur Springs, Texas, as your post-office
address; if you change your post-office address from time to
time please notify the Commission so that may communicate with
you if necessary? A All right.
Q Is your father living? A No sir.
Q Is your mother living? A No sir.
Q What was your father's name? A William E. Dumas.
Q What was your mother's name? A Rebecca Dumas.
Q Through which parent do you claim your Choctaw blood? A Through
my father.
Q How much Choctaw blood do you claim? A One-thirtysecond.
Q Has your father ever been recognized or enrolled in any way as
a citizen of the Choctaw Nation by the Choctaw tribal authori-
ties or the United States authorities in the Indian Territory?
A No sir.

- Q When and where were your father and mother married? A I can't hardly say, but in Mississippi, I don't know the place.
- Q Have you the proof of their marriage with you now? A No sir, but I suppose I can get it.
- Q Are you married? A No sir.
- Q You make application for yourself alone? A Yes sir.
- Q Is your name on any of the tribal rolls of the Choctaw Nation in the Indian Territory? A Not that I know of.
- Q Have you ever made application for citizenship in the Choctaw Nation to the Choctaw tribal authorities in the Indian Territory? A No sir.
- Q Have you ever have application for citizenship in the Choctaw Nation to the Commission to the Five Civilized Tribes under the act of Congress of June 10, 1896? A No sir.
- Q Have you ever been admitted to citizenship in the Choctaw Nation either by the Choctaw tribal authorities, the Commission to the Five Civilized Tribes or the United States Court in the Indian Territory? A No sir.
- Q Is this the first application you have ever made for citizenship in the Choctaw Nation to the Choctaw tribal authorities or the United States authorities in the Indian Territory? A Yes sir.
- Q Do you now come before the Commission to identify yourself as a Mississippi Choctaw? A Yes sir.
- Q Do you claim under article fourteen of the treaty of 1830? A Yes sir. I suppose so; I don't know what it is.

The treaty of 1830 was made at a place in Mississippi called Dancing Rabbit Creek, and was signed on the 27th day of September of that year and was ratified on the 24th day of February, 1831. The object of the treaty was to remove as far as practicable all of the Choctaw Indians who lived in the old Choctaw Nation east of the Mississippi river to the Choctaw Nation, Indian Territory. Before the treaty was signed it became known that a good many Choctaw Indians would not go to the Choctaw Nation Indian Territory, and in order to protect the interests of those Indians who stayed back in the old Choctaw Nation article fourteen was drafted and put into the treaty of 1830. That article is as follows:

"ARTICLE XIV. Each Choctaw head of a family being desirous to remain and become a citizen of the states shall be permitted to do so by signifying his intention to the Agent within six months from the ratification of this treaty, and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land, to be bounded by sectional lines of survey; in like manner shall be entitled to one-half that quantity for each unmarried child which is living with him over ten years of age, and a quarter section to each child as may be under ten years of age, to adjoin the location of the parent. If they reside upon said lands intending to become citizens of the states for five years after the ratification of this treaty, in that case, a grant in fee simple shall issue; said reservation shall include the present improvement of the head of the family, or a portion of it. Persons who claim under this article shall not lose the privilege of a Choctaw citizen, but if they ever remove are not entitled to any portion of the Choctaw annuity."

- Q Do you think you understand that now? A I don't hardly know

whether to sanction that or not.

The object of the treaty was this: You know that a treaty is an agreement in writing; you make an agreement with your attorney here that he shall do certain things and that you will do certain things, and you both sign it. This is an agreement between you two. Now if you, being one of the parties to a written agreement, happen to be a Nation and your attorney is also a Nation, then this agreement is called a treaty. Now the government wanted to remove the Choctaw Indians from that old Choctaw Nation east of the Mississippi river to the Choctaw Nation, Indian Territory, for the reason that their rights could be protected better upon government land than upon state land. Mississippi and Alabama made state laws hostile to the Indians. They signed that treaty, and thus gave their consent to go. As soon as the treaty was signed preparations were made for their removal, and kept on moving up to 1838. Some of the Indians would not go; said they would stay there, and the other Indians would not sign the treaty and agree to go unless the government put something in the treaty to protect those who stayed back there; that was article fourteen. Whatever is contained in article fourteen is for the Indians who stayed in Mississippi, called Mississippi Choctaws and their descendants. The object of article fourteen was to protect the interests of the Indians who stayed back there; and they had to do certain things or they could not have land in Mississippi; they had to comply with article fourteen of the treaty of 1830 in this way: Within six months after the treaty was ratified, that is within six months after February 24th, 1831, they must go to the United States Indian Agent, Colonel Ward, and tell him to put their names down on what was called "Ward's Register", that they wanted to stay in Mississippi, take land there and become citizens of the States; and if they did register under that article fourteen of the treaty of 1830 they could take land in Mississippi, and live on it for five years, and after that time would get a deed from the government for the land, a patent it was called. If a Choctaw Indian did any one of those things, or attempted to comply with article fourteen in any way, even though Ward did not put his name down on the list, it is a compliance or attempted compliance on the part of your ancestors if he was one of those Indians, of article fourteen of the treaty of 1830. Furthermore, he might afterwards go to the Choctaw Nation, Indian Territory, and join the other Indians there, and have all the rights of citizenship there if he did any of those things I have stated.

- Q Now is that plain? A Yes, pretty plain.
- Q You understand that don't you? A I understand part of it.
- Q Better than you did? A Yes sir.
- Q Do you understand that well enough to claim under it? A I do not know.
- Q If you think you understand that I will pass on; I don't think I can make it any plainer? A All right, I think I understand it.
- Q You understand that well enough to claim under it now? A Yes sir.
- Q What is the name of your Choctaw ancestor through whom you claim your right to be identified as a Mississippi Choctaw, going back to some ancestor who lived in Mississippi or Alabama? A It would be my grandmother, I reckon, Caroline Dumas, she is the only one that I know of.

- Q What relation was she to you? A My own grandmother.
- Q Was Caroline Dumas her maiden name? A I think so, yes.
- Q What was the name of her husband, whom did she marry? A I do not know what his name is.
- Q Did Caroline Dumas claim through her father or mother? A I don't know.
- Q Do you know her father's name? A I don't know.
- Q Do you know her mother's name? A No sir, I can find out these facts through my older relatives but can not say myself.
- Q Is Caroline Dumas the mother of William E. Dumas, your father? A Yes sir.
- Q Did she ever live in Mississippi? A Yes sir.
- Q Do you know where in Mississippi? A No sir I don't believe I do right now but I think they lived in Mississippi in Desoto County. I am not sure.
- Q Did your father live in Mississippi? A Yes sir.
- Q How old would he be now if living? A I don't hardly know, our records will show, but I don't know his age.
- Q Do you know when he died? A I know about when he died.
- Q Was he an old man when he died? A He was I think between forty and forty-eight, maybe forty-five or six.
- Q How long ago did he die? A I don't know the year, I was about eight years old.
- Q Died when you were about eight years old? A Yes sir.
- Q He has been dead about twenty-five years? A Yes sir.
- Q You think if he were living now he would be somewhere in the neighborhood of seventy? A Yes sir.
- Q You say he was born where? A I don't know; I think he was born in North Carolina, I don't know exactly.
- Q You do not know that he was born in Mississippi or Alabama? A No sir.
- Q Was Caroline Dumas, your grandmother, born in Mississippi? A I don't know; I think she was born in North Carolina.
- Q Did she ever live in Mississippi? A Yes sir.
- Q Did she live there in 1830, seventy-two years ago? A I can't answer that, I think she did.
- Q Do you know whether she had a family of children living there with her at that time, in other words was she the head of a family there then? A Yes sir she had some children.
- Q In Mississippi or Alabama in 1830? A Yes I think she did; that was seventy-two years ago, well I don't know about that; she was eighty-two when she died.
- Q And has been dead how long? A Two years, two or three years, she married when she was fourteen or fifteen.
- Q Was she living in Mississippi when she married? A I don't know; I can find out all these things pretty soon; we have got a family record.
- Q Did any of your Choctaw ancestors own any land or claim any land in Mississippi or Alabama under article fourteen of the treaty of 1830? A I can not say.
- Q Did any of your Choctaw ancestors own any improvements on land in the old Choctaw Nation in Mississippi or Alabama in 1830? A I can't answer that.
- Q Did any of your Choctaw ancestors within six months after the ratification of the treaty of 1830 go to the United States Indian Agent, Colonel Ward, and tell him they intended to stay in Mississippi, take land there and become citizens of the United States? A I don't know that.

- Q Did any of your Choctaw ancestors go from that old Choctaw Nation east of the Mississippi river with the other Indians to the Choctaw Nation, Indian Territory, between 1833 and 1838, or 1849?
A I don't know.

The Choctaw Indians who remained in the old Choctaw Nation in Mississippi and Alabama after the treaty of 1830 was ratified were required if they wanted to take advantage of article fourteen of that treaty to go to Colonel Ward United States Indian Agent within six months after the ratification of the treaty and tell him they wanted to stay in Mississippi take land there and become citizens of the states. A good many Choctaw Indians did this whose names Colonel Ward neglected to put upon his list known as "Ward's Register". His neglect to do this caused a great many Choctaw Indians to lose their lands and improvements in the old Choctaw Nation, because the government took both lands and improvements from them and sold them at its public land sales. This caused so many complaints among the Indians that in 1837 as well as in 1842 by various acts of Congress two Commissions were appointed by Congress which went to Mississippi and heard claimants under article fourteen of that treaty.

- Q Do you know whether any of your Choctaw ancestors went before either of these two Commissions, that of 1837 or that of 1842, and claimed any benefits as Choctaw Indians under that article of that treaty? A No sir, I don't know.

The act of Congress of 1842, approved August 23rd of that year, provided that if any Choctaw Indians proved their claim under article fourteen of the treaty of 1830, and proved further that they had had land in Mississippi which the government had taken from them and sold, that they might select land either in Mississippi, Alabama, Louisiana or Arkansas, to be taken from vacant government land, to take the place of land which they government had taken from them and sold, and a certificate to that effect would be given them; these certificates were called script.

- Q Do you know if any of your Choctaw ancestors received any such script from the government? A No sir.
Q Have you any relatives who have been before the Commission previous to this date who have made application to be identified as Mississippi Choctaws? A Yes sir.
Q Give me the names of some of them? A A W Dumas, Mary Carothers.
Q Do you know Scott S. Dumas? A I ought to, but I don't; I presume he must have been my grandfather.
Q Is he a relative of yours? A Yes sir.
Q Is Lewis Dumas? A I don't know.
Q Scott S. Dumas is what relation of yours? A I don't know, really.
Q How do you know he is a relative at all? A I don't know.
Q Do you want to have the cases of those relatives of yours who have been before the Commission to be identified as Mississippi Choctaws, who claim through the same common ancestors through which you claim, consolidated with this case? A I guess so, yes.

The case of Scott S. Dumas, W. O. R. 4008, is here referred to for the purpose of consolidation provided this applicant shows that he is descended from the same common ancestors as Scott S. Dumas and other relatives of the said Scott S. Dumas.

Q Do you speak or understand the Choctaw language? A No sir.

By Mr Ralls, attorney for applicant:

Q What relation is Mrs. Mary E. Carothers, of Jackson, Mississippi, to you? A An aunt.

Q Do you know any of her sisters? A Yes sir, Della Hardin was one.

Q Was your father an own brother of Mrs. Carothers? A Yes sir.

Q Her maiden name was Dumas? A Yes sir.

Q The same father and mother? A Yes sir.

Q Did they claim through their father instead of their mother? A Yes sir.

Q And their father claimed through his mother? A Yes sir.

Q His mother's name was Elizabeth Dumas? A Yes sir.

Q Do you know her maiden name? A No sir.

Q A moment ago I understood you to say that you claim through your grandmother, Caroline Dumas? A I don't understand that exactly.

Q You now state that you claim through your father, and your grandfather instead of your grandmother, is that correct? A I do not know how that is.

Q Were your grandfather and grandmother related to each other? A I don't know that.

Q Unless they had been you could not retain the name of Dumas and come through your grandmother? Mrs. Hardin is an own sister of your father? A Yes sir.

By the Commission:

Fifteen days time is allowed this applicant from this date in which to furnish any proper evidence in support of this application which may seem necessary.

This applicant has the appearance and physical characteristics of being descended from white parentage; brown eyes; brown hair; medium light complexion, somewhat tanned; does not understand the Choctaw language, and has no knowledge of the compilation on the part of his ancestors with any of the provisions of article fourteen of the treaty of 1830.

V. H. Martin being first duly sworn on oath states that as stenographer to the Commission to the Five Civilized Tribes he

#1
recorded the above proceedings on the 11th day of June, 1903, and
that the foregoing is a full, true and correct transcript of his
stenographic notes in the same.

W. H. Martin

Subscribed and sworn to before me this 14th day of June, 1903.

Charles H. Sawyer

Notary Public.

COMMISSIONERS
TAMM BIRBY,
THOMAS B. NIKEDLES
C. R. BREUNENWIDOR
W. E. STANLEY

ALLISON L. AYLESWORTH
SECRETARY

COPY.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

REFER IN REPLY TO THE FOLLOWING

M. C. R. 5803.

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES

MUSKOGEE, INDIAN TERRITORY, May 15, 1903.

Sydney L. Dumas,
Sulphur Springs, Texas.

You are hereby advised that on the 15th day of May, 1903, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Scott S. Dumas, et al., embracing the following applications for identification as Mississippi Choctaws:

Scott S. Dumas, et al.,	M. C. R. 4006
Miles G. Lantrip,	M. C. R. 4737
Mary P. Phillips, et al.,	M. C. R. 4738
Isom Lantrip,	M. C. R. 4739
William T. Brasher, et al.,	M. C. R. 4740
Andy Brasher, et al.,	M. C. R. 4741
Robert L. Brasher,	M. C. R. 4742
Albert Collums,	M. C. R. 4743
James S. Collums,	M. C. R. 4744
Thaddeus W. Dumas,	M. C. R. 5737
Aurelius W. Dumas,	M. C. R. 5726
Alexander Dumas, et al.,	M. C. B. 6113
Sharkey H. Roth,	M. C. R. 5845
Mary E. Carothers, et al.,	M. C. R. 5700
Carrie McConico, et al.,	M. C. R. 5520
Bernard A. Williams, et al.,	M. C. R. 5144
Maud Cain, et al.,	M. C. R. 5807
Claude A. Grantham, et al.,	M. C. B. 5714
James J. Dumas, et al.,	M. C. R. 5717
Sydney L. Dumas,	M. C. B. 5808
Adella Caroline Hardin, et al.,	M. C. R. 5698
Lulu K. Smith, et al.,	M. C. B. 5699
Benjamin F. Dumas,	M. C. B. 4521
James D. Dumas, et al.,	M. C. R. 4524
Ennis Palmer, et al.,	M. C. R. 5857
Maud Terry, et al.,	M. C. R. 4525
Lottie McCoy,	M. C. B. 4522
Jane E. McCreary,	M. C. R. 4523
Mary C. L. Hollis, et al.,	M. C. R. 4222
William H. Hollis, et al.,	M. C. R. 4811
Lawrence W. Hollis, et al.,	M. C. R. 4810
Minnie H. Nicolds, et al.,	M. C. B. 4812
Mary C. McLeod, et al.,	M. C. R. 4813
Hattie E. Andrews, et al.,	M. C. R. 4814
Charlie T. Skinner, et al.,	M. C. B. 4815

Thomas H. Hollis,	M. C. R. 4309
Blanche G. Merchant,	M. C. R. 4223
Lawrence W. Dumas, et al.,	M. C. R. 5731
Mary A. Wade, et al.,	M. C. R. 5822
Willie P. Dumas, et al.,	M. C. R. 5810
John R. Dumas, et al.,	M. C. R. 5701
Carrie A. Wilkerson, et al.,	M. C. R. 5703
Maggie Ida Dumas,	M. C. R. 5702
William P. Mims,	M. C. R. 5985
Ransom E. Mims, et al.,	M. C. R. 5858
Frank E. Dumas,	M. C. R. 5732
Ben M. Dumas,	M. C. R. 5811
Edward W. Blakey, et al.,	M. C. R. 5425
Nannie Black, et al.,	M. C. R. 4185
Charles H. Black,	M. C. R. 4200
Ammon Wood, et al.,	M. C. R. 4202
Willie Wood,	M. C. R. 4203
Ellington Wood,	M. C. R. 4199
Edna Fry,	M. C. R. 4286
Robert B. Shipp, et al.,	M. C. R. 4285
Maria J. Crawford, et al.,	M. C. R. 4115
Majie J. Crawford Cole, et al.,	M. C. R. 4116
Elizabeth Baxter Caldwell, et al.,	M. C. R. 4114
Jennie B. H. Calhoun, et al.,	M. C. R. 4117
J. M. Crawford, et al.,	M. C. R. 4094
Robert H. Crawford,	M. C. R. 4164
Edna M. Folliard, et al.,	M. C. R. 4168
Everett B. Crawford, et al.,	M. C. R. 4165
Edwin R. Crawford,	M. C. R. 4077
Pinkie Creager, et al.,	M. C. R. 4169
Fannie Sharp, et al.,	M. C. R. 4433
George H. Gresham,	M. C. R. 4098
Oliver P. Gresham, et al.,	M. C. R. 4095
Robert O. Gresham, et al.,	M. C. R. 4201
Erma Biglow,	M. C. R. 4435
David E. Dumas,	M. C. R. 4651
DeBerry G. Dumas, et al.,	M. C. R. 4119
Birdie D. Carlet, et al.,	M. C. R. 4123
Mack O. Dumas,	M. C. R. 4658
Susan M. Hendricks,	M. C. R. 4121
Onia Ann Stephens, et al.,	M. C. R. 4096
Jackson E. Hendricks, Jr., et al.,	M. C. R. 4126
Mary H. Decker, et al.,	M. C. R. 4122
Helen Martin, et al.,	M. C. R. 4097
John W. Dumas,	M. C. R. 5012
Ada B. Ewing, et al.,	M. C. R. 4284
Minnie P. Dumas,	M. C. R. 5011
Malinda Blanks, et al.,	M. C. R. 4118
William C. Blanks, et al.,	M. C. R. 4135
Robert E. Blanks, et al.,	M. C. R. 4139
Nora E. Binford,	M. C. R. 4125
Birdie A. Wilson, et al.,	M. C. R. 4134
Albert G. Dumas, et al.,	M. C. R. 4631
Roxanna Freeman, et al.,	M. C. R. 4850
Arizona Elizabeth Daniels, et al.,	M. C. R. 4633
Dixie Dumas Connolly, et al.,	M. C. R. 4632
Maude Florence Clark, et al.,	M. C. R. 5713
May L. Brown,	M. C. R. 5735

Murat Dumas, et al.,	M. C. R. 5715
Lula A. Dumas,	M. C. R. 5716
Lena Fulton, et al.,	M. C. R. 4144
Lauren Scott Cannon, et al.,	M. C. R. 4145
Eula Umphress, et al.,	M. C. R. 4146
Pearl Barron, et al.,	M. C. R. 4147
James W. Wheat, et al.,	M. C. R. 4695
Ivy A. Fowler,	M. C. R. 4696
Dan H. Dumas, et al.,	M. C. R. 3766
Eula D. Shivel,	M. C. R. 4075
Walter W. Dumas,	M. C. R. 4015
James P. Dumas,	M. C. R. 3503
Travis M. Dumas, et al.,	M. C. R. 4007
Verna J. Dumas, et al.,	M. C. R. 4140
Laura D. Cole, et al.,	M. C. R. 4141
Victoria J. Pierce, et al.,	M. C. R. 4066
Lee W. T. Herman,	M. C. R. 4254
Annie B. Wallace, et al.,	M. C. R. 4250
Louis Dumas, et al.,	M. C. R. 4014
Belle Leslie, et al.,	M. C. R. 4067
John F. Sanders, et al.,	M. C. R. 5445
Nancy J. Whorton, et al.,	M. C. R. 5446
James L. Sanders,	M. C. R. 5560
Julia A. Wells,	M. C. R. 5559
Emsley M. Sanders, et al.,	M. C. R. 5804
Cora C. Bond, et al.,	M. C. R. 4620
Margaret K. Aston, et al.,	M. C. R. 4562
Mary Jane Damron, et al.,	M. C. R. 5805
William E. Aston, et al.,	M. C. R. 4583
Vic Damron, et al.,	M. C. R. 4619
Cynthia Jane Dicken, et al.,	M. C. R. 4582
William T. Sanders, et al.,	M. C. R. 5444
James P. Sanders, et al.,	M. C. R. 4069
Missientiah Ellison, et al.,	M. C. R. 4154
Lillie Page, et al.,	M. C. R. 4155
Walter H. Thompson,	M. C. R. 4142
Jeff D. Thompson, et al.,	M. C. R. 4016
Mary A. Ferguson, et al.,	M. C. R. 4772
Vergie J. Powers, et al.,	M. C. R. 4773
Willie E. Ferguson, et al.,	M. C. R. 4774
Alonzo A. Ferguson,	M. C. R. 4775
Sue A. Thompson, et al.,	M. C. R. 4389
Ada Thompson,	M. C. R. 4076
Emma C. Canon, et al.,	M. C. R. 3414
Winnie D. Canon,	M. C. R. 3415
Delmer Canon,	M. C. R. 3761
George Thompson, et al.,	M. C. R. 3756
George Homer Thompson,	M. C. R. 3757
Ida Sandford,	M. C. R. 3759
Lula Thompson Noe, et al.,	M. C. R. 3760
Verner L. Dumas,	M. C. R. 5719
James Don Dumas, et al.,	M. C. R. 5720
Claude E. Dumas, et al.,	M. C. R. 5721
Missie E. Biggerstaff, et al.,	M. C. R. 5722
Nettie A. Woolverton,	M. C. R. 6185
Elizabeth Wood,	M. C. R. 6268
Eula P. Niswander, et al.,	M. C. R. 6342
Lawrence L. Thompson, et al.,	M. C. R. 6378

These applications were made under the provision of the act of Congress of June 28, 1898 (30 Stats., 495), which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto, and make report to the Secretary of the Interior."

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Scott S. Dumas, Ruth Dumas, Miles G. Lantrip, Mary P. Phillips, Early E. Phillips, Esther E. Phillips, Maud E. Phillips, Leo R. Phillips, Myrtle Phillips, Leland Phillips, Durelle Phillips, Rex Phillips, Isom Lantrip, William T. Brasher, Malt Brasher, Vaudy Brasher, Cordy Brasher, Andy Brasher, Ada Brasher, William C. Brasher, Robert L. Brasher, Albert Collums, James S. Collums, Thaddeus W. Dumas, Aurelius W. Dumas, Alexander Dumas, Dixie M. Dumas, Melville Sidney Dumas, Charles I. Dumas, Sharkey H. Roth, Mary E. Carothers, Ida Blanche McClurg, Susie May McClurg, Ada Maud McClurg, Monroe McClurg, Carrie McConico, Nannie May Mobley, Henry Pope Mobley, Willie McConico, Bernard A. Williams, Marcells Williams, John Williams, Vernie Williams, Maud Williams, Hattie Williams, Maud Cain, John Joseph Cain, Ida May Cain, Claude A. Grantham, Claudia May Grantham, James J. Dumas, Lawrence Dumas, Sydney L. Dumas, Adella Caroline Hardin, Ollie Caroline Hardin, Clyde Abraham Hardin, Lula K. Smith, Opal Smith, Benjamin F. Dumas, James D. Dumas, Abbie A. Dumas, James H. Dumas, Gladys Dumas, Benjamin Dumas, Ennis Palmer, Edgar Palmer, Herbert Palmer, Maud Terry, Moina Terry, Dumas Terry, Millwee Terry, Lottie McCoy, Jane E. McCreary, Mary C. L. Hollis, Linnie L. Hollis, William H. Hollis, William H. Hollis, Jr., Lawrence W. Hollis, Eva M. Hollis, Lawrence W. Hollis, Jr., Beatrice M. Hollis, Scott W. Hollis, Minnie H. Nicolds, Richard Nicolds, Hollis Nicolds, Kate Nicolds, Edward Nicolds, Minnie Nicolds, Mary C. McLeod, Mary L. McLeod, Hattie E. Andrews, Max R. Andrews, Jr., Hattie E. Andrews (2), Charlie T. Skinner, Blanche L. Skinner, Thomas H. Hollis, Blanche G. Merchant, Lawrence W. Dumas, Mallie T. Dumas, Annie C. Dumas, Katie L. Dumas, Janie S. Dumas, Lawrence W. Dumas, Jr., Mary A. Wade, Edgar D. Wade, Glennan A. Wade, Willie P. Dumas, Jennie W. Dumas, Clark G. Dumas, Faris Dumas, John R. Dumas, Walter A. Dumas, Justin R. Dumas, Carrie A. Wilkerson, James A. Wilkerson, Walter D. Wilkerson, Maggie Ida Dumas, William P. Mims, Ransom E. Mims, Oscar M. Mims, William T. Mims, Frank E. Dumas, Ben M. Dumas, Edward W. Blakey, Edna Blakey, John Blakey, Nannie Black, Catherine Black, Charles H. Black, Ammon Wood, Willie A. Wood, Leslie B. Wood, Willie Wood, Ellington Wood, Edna Fry, Robert B. Shipp, Ruby B. Shipp, Maria J. Crawford, Lucille Crawford, Ghent Crawford, Ed S. Crawford, Jr., Jodie F. Crawford, Majie J. Crawford Cole, Jewel I. Cole, James A. Cole, Susie M. Cole, Christine Cole, Majie Douglass Cole, Elizabeth Baxter Caldwell, Mabel E. Caldwell, Jodie Lee Caldwell, Jennie B. H. Calhoun, Owen H. Calhoun, Edwin C. Calhoun, J. M. Crawford, Edwin Dickey Crawford, Hattie May Crawford, James M. Crawford, Jr., Ellen Lee Crawford, Robert H. Crawford, Edna M. Folliard, Crawford J. Folliard, Aileen Folliard, Cecil H. Folliard, William Richard Folliard, Everett B. Crawford, Everett B. Crawford, Jr., Edwin R. Crawford, Pinkie Creager, Margaret E. Creager, Fannie Sharp, Dan M. Sharp, Charlotte Jane Sharp, George H. Gresham, Oliver P. Gresham, Lizzie D. Gresham, Frances Margret Gresham, Robert O. Gresham, Hill Campbell Gresham, Erma Biglow, David E. Dumas, DeBerry G. Dumas, Walter A. Dumas, Birdie D. Carlet, Glenna W. Carlet, Helen C. Carlet, Mack O. Dumas, Susan M. Hendricks, Onia Ann Stephens, Leno A. Stephens, Harold Richard Stephens, Louise Stephens, Vernon Stephens, Charles Edwin Stephens, Jr., Jackson E. Hendricks, Jr., Hallie H. Hendricks, Ruth Hendricks, Rubie Hendricks, Mary H. Decker, William H. Decker, Jr., Susan H. Decker, Helen Martin, Vera Martin, Alma Martin, Samuel Martin, John W. Dumas, Ada B. Ewing, Freda Ewing, Mabel Ewing, Minnie P. Dumas, Malinda Blanks, Arthur Blanks, William C. Blanks, Ruth J. Blanks, Mary G. Blanks, Robert E. Blanks, Robert E. Blanks, Jr., Nora E. Binford, Birdie A. Wilson, John H. Wilson, Albert G. Dumas, Arline Dumas, Lisle Dumas, Dixie D. Dumas, Roxanna Freeman, William Clyde Freeman, Arizona Elizabeth Daniels, Stafford Livonia Daniels, Dixie Dumas Connolly, Sybil Connolly, Frank C. Connolly, Maude Florence Clark, Irene L. Clark, May L. Brown, Murat Dumas, Eugene Dumas, Lula A. Dumas, Lena Fulton, J. Harold Fulton, Clifford C. Fulton, Lauren Scott Cannon, Josiah R. Cannon, Kathleene Cannon, Eula Umphress, Carl C. Umphress, Helen M. Umphress, Pearl Barron, Guyon Elizabeth Barron, James W. Wheat, Dumas Wheat, Ivy A. Fowler, Dan H. Dumas, Harriet Pinkey Dumas, Eula D. Shivel, Walter W. Dumas, James P. Dumas, Travis M. Dumas, Lige F. Dumas,

Verna J. Dumas, Hazel A. Dumas, Laura D. Cole, Dorothy Cole, Victoria J. Pierce, Louis Pierce, Arthur Pierce, Lee W. T. Herman, Annie B. Wallace, Gladys Wallace, Marvin Wallace, Hortense Wallace, Ferrol Wallace, Louis Dumas, Ward Lamont Dumas, Fred Dumas, Mary A. E. Dumas, Belle Leslie, Gerline Leslie, Mae D. Leslie, Lloyd Leslie, Karl Leslie, John F. Sanders, Robert D. Sanders, Cynthia Beatrice Sanders, Turner Lee Sanders, Nancy J. Whorton, Mabel Whorton, James L. Sanders, Julia A. Wells, Emsley M. Sanders, Dottie Sanders, Cora C. Bond, Callie Bond, Ray M. Bond, Clede Bond, Margaret K. Aston, Belva Lockwood Aston, Mary Jane Damron, Emma J. Damron, Claud M. Damron, Maud Damron, Lila C. Damron, Walter W. Damron, Minnie Damron, Mamie Damron, Joseph Scott Damron, William E. Aston, Eula M. Aston, Verna D. Aston, Texanna Aston, Willie Eunice Aston, Lonie H. Aston, William Edward Aston, Jr., Vic Damron, Clara Bell Damron, Hugh Ella Damron, Jimmie Otha Damron, Nora May Damron, Willie Monroe Damron, Cynthia Jane Dicken, John R. Ferguson, William T. Sanders, Louis Burke Sanders, Wilda D. Sanders, James P. Sanders, Nellie Sanders, Cora Sanders, Olive Sanders, Missioniah Ellison, Lena Nichols, Alma Ellison, Lillie Page, Marie Page, Catharine Page, Walter H. Thompson, Jeff D. Thompson, Clarence E. Thompson, James A. Thompson, Willie L. Thompson, Madeline F. Thompson, Gracie L. Thompson, Elsie Thompson, Mary L. Thompson, Minnie L. Thompson, Essie B. Thompson, Myrtle Thompson, John L. Thompson, Mary A. Ferguson, Julia A. Ferguson, Jeff Ferguson, Scotty S. Ferguson, Georgie B. Ferguson, Lovard E. Ferguson, Vergie J. Powers, Murray Powers, Maybell Powers, Willie E. Ferguson, Vergie B. Ferguson, Frank G. Ferguson, Alonzo A. Ferguson, Sue A. Thompson, May Thompson, Ada Thompson, Emma C. Canon, Emsley J. Canon, Alexander Canon, Tullie Clyde Canon, Winnie D. Canon, Delmer Canon, George Thompson, Charlie W. Thompson, Luther Bell Thompson, Mary Gertrude Thompson, George Homer Thompson, Ida Sanford, Lula Thompson Noe, Chester William Noe, Verner L. Dumas, James Don Dumas, Ella May Dumas, Claude E. Dumas, Jim Dumas, Missie E. Biggerstaff, Dora Biggerstaff, John M. Biggerstaff, Winnie Biggerstaff, Gladys Biggerstaff, Nettie A. Woolverton, Elizabeth Wood, Eula P. Niswander, Mildred Niswander, Lawrence L. Thompson, Mildred Bell Thompson, Lawrence L. Thompson, Jr., Cornelia Elizabeth Thompson and Willie Thompson as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the applications for their identification as such should be refused, and it is so ordered."

You are further advised that you will be allowed fifteen days from the date hereof within which to file arguments in this office, and that at the expiration of said time the papers in the case, together with such arguments will be forwarded to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

(SIGNED).

James Dancy.

Chairman.

Registered.

REFER IN REPLY TO THE FOLLOWING

MCR 5803

DEPARTMENT OF THE INTERIOR.
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.


Muskogee, Indian Territory, January 22, 1906.

Sydney L. Dumas,
Shreveport, Louisiana.

Dear Sir:

You are hereby notified that the Secretary of the Interior on January 5, 1906, affirmed the decision of the Commission to the Five Civilized Tribes of May 15, 1903, refusing the applications of the several persons in the consolidated Mississippi Choctaw case of Scott S. Dumas, et al., of which your application for identification as a Mississippi Choctaw is a part.

Respectfully,



Commissioner.

No. 5803

For Identification as a Mississippi Choctaw.

Date

JUN 11 1902

Name Sydney L. Kumas

Age 33

Blood

1/32

Post-Office, ~~Wasson~~ ^{Stephens Springs, Tex.}

Father; William E. Kumas. d

Mother; Rebecca " d

Claims through father.

Objections:

Claims for self
alone

Stenographer N. H. Martin



Department of the Interior.
Commission to the Five Civilized Tribes,
MUSKOGEE, IND. TER.



To avoid delay in delivery have
mail addressed to Street and No.

Sydney B. Dumas,

Shreveport, Louisiana.

(Cancel only here at)
SHREVEPORT, LA.
P.

FEB 26 1906

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7
DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE PUBLIC LANDS

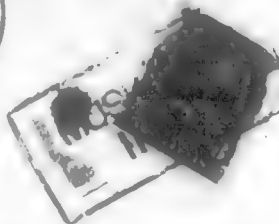
FILED

JUL 2 1903

[Handwritten signature]

CHAIRMAN





Department of the Interior.

Commission to the Five Civilized Tribes,
MUSKOCOE, IND. TER.

OFFICIAL BUSINESS.

Penalty for private use, \$300.

REC

Sydney A. Lomas,

Sulphur Springs, Texas.

~~1616~~

~~#318~~

Choctaw MCR 5804

Emsley M. Sanders

See MCR 4006

MCR 5804

Department of the Interior,
Commission to the Five Civilized Tribes.
Muskogee, I. T., June 11, 1902.

#5804.

In the matter of the application of Emaley M. Sanders for the identification of himself and minor child, Dottie Sanders, as Mississippi Choctaws.

J. G. Hall, Attorney for applicant.

Emaley M. Sanders being first duly sworn testifies as follows:

Examination by the Commission.

- Q What is your name? A Emaley M. Sanders.
Q What is your age? A Fifty-six years past.
Q Your post-office address? A Silo, Indian Territory.
Q How long have you lived there? A A little over twelve months.
Q Where did you live before that? Ten mile above that two years.
Q How long have you lived in the Indian Territory altogether?
A About five or six years.
Q Where did you live before that? A In Sollin County, Texas.
Q Were you born in Texas? A Born in Calhoun County, Mississippi.
Q How long did you live in Mississippi? A Until I was about eight years old, and in '54 my father moved to Texas, and he lived there until after the civil war and went back there and remained there until in '87.
Q In Mississippi you mean? A Yes sir.
Q Then he went to Texas again? A Yes sir in '87.
Q Is your father living? A No sir he is dead.
Q Is your mother living? A No sir.
Q What was your father's name? A William I. Sanders.
Q What was your mother's name? A Nancy Jane Sanders.
Q Through which parent do you claim Choctaw blood? A My mother.
Q How much do you claim? A I don't hardly understand that, but the Bureau claims about a sixteenth, and my mother and father were first cousins, and Susan and my father were first cousins, and married his cousin.
Q How much blood do you think you have? Well, I don't know I can tell without studying.
Q Well, how much do you claim now, if you have studied it over?
A A sixteenth.
Q Has your mother been ever examined or tested as a Choctaw?
A Yes, she was tested by the Bureau and she was found to be a Choctaw.

A I don't know.

Q Are you married? A Yes sir.

Q Have you minor children that you want to make application for? A Yes sir.

Q What is your wife's name? A My first wife is dead.

Q Is this a child of the first wife? A Yes sir.

Q What is her name? A Mary Ann Francis.

Q That was her maiden name? A Yes sir.

Q Was she a white woman or Choctaw Indian? A She was said to be about a sixteenth Choctaw but they never proved it up.

Q Did she have a Mississippi Choctaw ancestor do you know? A Her father was about an eighth.

Q Mississippi Choctaw? A Yes sir.

Q Her father lived in Mississippi? A Yes sir, died there.

Q Then your wife, Mary Ann Sanders, was one-sixteenth blood and her father was a Mississippi Choctaw? A Yes sir.

Q What was her father's name? A William A. McDonald.

Q Is he dead? A Yes sir.

Q Do you know where in Mississippi he was born? A He was born in Georgia or South Carolina, in South Carolina it was, Spots-
enberg District.

Q He moved from there to Mississippi? A To Alabama and then to Mississippi.

Q In the old Choctaw Nation? A It was in Calhoun County, Miss-
issippi.

Q What is the name of your present wife? A She was a Dumas when I married her.

Q Is she living now? A Yes sir.

Q What is the name of your present wife? A Ida Sanders.

Q She is not a Choctaw? A No sir, white woman.

Q Have you any children by that wife? A No sir.

Q What is the name of your child? A Dottie Sanders.

Q Is it a girl? A Yes sir.

Q How old is Dottie? A Sixteen years old the second of this month.

Q You claim for yourself and this child? A Yes sir.

Q Have you any children older than Dottie? A Yes sir, she has been before the Commission.

Q What is her name? A Gera A. Bond.

Q When was she before the Commission? A In December I reckon.

Q And made application to be identified as a Mississippi Choctaw? A Yes sir.

Q What year was that? A It was in February of this year.

Q Here at Muskogee? A Yes sir.

Q Have you any other relatives who have been before the Commission besides this daughter? A Three brothers I learn.

Q Who are your brothers who have been before the Commission?

A J. F. Sanders, W. T. Sanders, J. V. Sanders.

Q Those are brothers? A Yes sir.

Q Mary Ann Sanders was the mother of this child, Dottie? A Yes.

Q And also of this child, Gera Bond? A Yes sir.

Q When and where were you married to your first wife, Mary Ann Sanders? A In Calhoun County, Mississippi.

Q Do you remember the day of the month and the year? A Yes sir.

Q Please give it? A June 25, of 1868.

Q By a Minister under a license? A Yes sir.

Q Have you the proof of that marriage with you now? A I ordered it sent through the mail and I do not know whether it is here or not.

- Q You can get it within fifteen days? A Yes sir.
- Q Is your name or the name of your daughter Dottie on any of the tribal rolls of the Choctaw Nation in the Indian Territory? A Not that I know of.
- Q Have you ever made application for citizenship in the Choctaw Nation for yourself and child to the Choctaw tribal authorities in the Indian Territory? A No sir, not until now.
- Q Have you ever made application for citizenship in the Choctaw Nation for yourself and child to the Dawes Commission under the act of Congress of June, 10, 1896? A No sir.
- Q Have you or your minor daughter ever been admitted to citizenship in the Choctaw Nation by the Choctaw tribal authorities or the United States authorities in the Indian Territory? A No, I don't know.
- Q Have you ever made application to be admitted? A No sir.
- Q Is this the first application you have ever made to any authority whatever for citizenship in the Choctaw Nation for yourself and child? A Yes sir.
- Q Do you now come before the Commission to be identified as a Mississippi Choctaw and to identify this child, Dottie, as a Mississippi Choctaw, claiming under article fourteen of the treaty of 1830? A Yes sir.
- Q Do you understand that treaty? A I heard you rehearse it here, I think I understand it without any further explanation.

Without any explanation then it reads as follows, article fourteen of the treaty of 1830:

"ARTICLE XIV. Each Choctaw head of a family being desirous to remain and become a citizen of the states shall be permitted to do so by signifying his intention to the Agent within six months from the ratification of this treaty, and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land, to be bounded by sectional lines of survey; in like manner shall be entitled to one half that quantity for each unmarried child which is living with him over ten years of age, and a quarter section to such child as may be under ten years of age, to adjoin the location of the parent. If they reside upon said lands intending to become citizens of the states for five years after the ratification of this treaty, in that case, a grant in fee simple shall issue; said reservation shall include the present improvement of the head of the family, or a portion of it. Persons claiming under this article shall not lose the privilege of a Choctaw citizen, but if they ever remove are not entitled to any portion of the Choctaw annuity."

- Q Do you know if any of your Choctaw ancestors complied in any way or attempted to comply with article fourteen of that treaty? A Really of my own knowledge I don't know.
- Q What is the name of your Choctaw ancestor through whom you claim the right to be identified as a Mississippi Choctaw? A Keshiah Brashears, she was my grand mother.
- Q Was that her maiden name? A Yes sir.
- Q What relation was she to you? A My grandmother.
- Q When did she marry? A Fleming J. Thompson.
- Q A white man? A Yes sir.
- Q How much Choctaw blood did Keshiah have? A One fourth I think.

- Q Did she live in the old Choctaw Nation either in Mississippi or Alabama in the year 1830? A I don't know, just where they lived in 1830; they lived in Alabama and then from Alabama down to Mississippi.
- Q Was she born in Alabama? A I can't say; I don't remember. She came from Alabama to Mississippi and from Mississippi to Texas.
- Q You do not know where she lived in 1830? A No sir I don't.
- Q Do you know whether or not she was the head of a family in Mississippi or Alabama in 1830? A No sir I don't.
- Q Can you give the name of any Choctaw ancestor who lived in that old Choctaw Nation in 1830 and was the head of a family there then? A They might have lived there themselves.
- Q But you can not say they did from your own personal knowledge? A No sir I don't know.
- Q Do you know whether Keziah Brashears spoke the Choctaw language or had a Choctaw Indian name? A I can't say. I have heard her say she could talk Indian when she was with them.
- Q You knew her yourself? A O Yes sir.
- Q How old were you when you last saw her? A I was about twenty-two years old.
- Q What kind of a looking woman was she? A She was rather dark complexion, rather high cheek bones; her hair had been very black but was getting frosted over; did not have much to say to anybody.
- Q What was the color of her eyes? A I could not say as to the color of her eyes.
- Q Was her hair so gray that you could not tell its color? A Her hair was very black, long black hair, but when she died she was getting a little gray.
- Q You never heard her speak Choctaw? A I have heard her speak Indian language, and she told us children it was Choctaw.
- Q She used a few words did she? Yes.
- Q Did you ever hear her talk right along in a conversation with an Indian in the Choctaw language? A No sir, never did.
- Q How old would she be if living now? A She would be about ninety.
- Q You think she would be that old? A Yes I think she might be older than that. My mother would be eighty-one.
- Q Where was your grandmother, Keziah, born? A I could not say where she was born.
- Q How old would she be if living now? A Ninety or ninety-five somewhere along there.
- Q Did any of your Choctaw ancestors own any land or claim any land in the old Choctaw Nation under article fourteen of the treaty of 1830? Either in Mississippi or Alabama? A I don't know that they did.
- Q Did any of your Choctaw ancestors go from that old Choctaw Nation east of the Mississippi river to the Choctaw Nation in the Indian Territory with the other Indians between 1833 and 1838 or 1840? A Not that I know of.
- Q Did any of your Choctaw ancestors within six months after the ratification of the treaty of 1830 go to the United States Indian Agent, Colonel Ward, and tell him that they wanted to stay in Mississippi, take land there and become citizens of the states? A I can't say about that.
- Q Did any of your Choctaw ancestors own any improvements on land in the old Choctaw Nation in Mississippi or Alabama in 1830? or any year previous to that? A I don't know.

In 1837 and also in 1842 under various acts of Congress Commissions were appointed by Congress which went to Mississippi and heard claimants under article fourteen of the treaty of 1830. The reason why these two different commissions were was because of the complaint made by the Choctaw Indians who stayed back in the old Choctaw Nation, who stated that they had made application to Colonel William Ward, United States Indian Agent, to be registered within six months after the ratification of the treaty of 1830, but that he refused to enroll or register them; their names did not appear upon Ward's register because of the neglect of the Agent; and also because of this neglect these Indians who held land in the old Choctaw Nation in Mississippi and Alabama upon which they had improvements had both their lands and improvements taken from them by the government and sold at its public land sales. This caused so many complaints among the Choctaw Indians that in 1837 and in 1842 these Commissions were appointed.

- Q Do you know whether any of your Choctaw ancestors went before either of these two Commissions and claimed any benefits as Choctaw Indians under article fourteen of that treaty? A They might have done so, I don't know.
- Q Did any of them get any script from the government which gave them a right to select land in Mississippi, Alabama, Louisiana or Arkansas? A I don't know.

This script was issued by the government to those Indians who proved their claim under article fourteen of the treaty of 1830, and who also proved that their land which they once held in the old Choctaw Nation was taken from them by the government and sold. This was issued under the act of Congress of August 23, 1842.

- Q What relation is Scott S. Dumas to you? A He is my own born cousin.
- Q Your first cousin? A Yes, his father was my second cousin; his father and mother were own born cousins.
- Q Then Scott S. Dumas is your second cousin? A He is my first cousin.
- Q Do you want to have your case consolidated with that of Scott S. Dumas and other relatives of yours who claim through the same common ancestor? A Yes sir.

The case of Scott S. Dumas, N. O. R. 4008, is here referred to for the purpose of consolidation of these cases.

- Q Have you any other evidence that you want to present now in support of this claim? A No sir, not now.

Fifteen days time is allowed from this date, for the applicant to introduce any other proper evidence he desires in support of this claim.

Q Do you speak the Choctaw language? A No, sir, I could speak a little bit, but have forgotten it.

By Mr. Falls, attorney for applicant:

- Q I understood you to say a while ago that you had heard your

- grandmother, Kewiah Thompson, speak some Indian language and that she told you children that it was Choctaw? A Yes sir, she said it was Indian language.
- Q Did you ever hear her in a conversation with Choctaw Indians? A I have saw her in company with people that claimed to be Indian and heard them talking about it.
- Q Did they talk in the Choctaw language? Did those people speak in the Choctaw language or not? A They claimed they were Indian, and would speak just about what she was telling us children; she had learned it and forgotten about all.
- Q You heard her talking some Indian language with these people? A Yes sir.
- Q You said you had no personal knowle ge of where she lived in 1830? A No sir.
- Q But you said she lived in Alabama; in what county in Alabama did you understand she lived? A I think it was LaFayette County, Alabama.
- Q That county is next to Mississippi or not? A I don't know whether it is or not.

By the Commission:

- Q Now, the impression I have received from what you have said to your attorney is that you did hear her talking in the Choctaw language with Choctaw Indians, now please explain that? A I don't know them to be Choctaw Indians.
- Q You know, or do you know that they were Choctaws? A I do not know; I just remember her say that that man has as much Indian blood in him as she had.
- Q And they were talking in English? A Yes, and they talked a little Indian, and it was the same language the way she talked to us children.
- Q Now Mr. Sanders, do you want to state and give the impression in your testimony that she was there talking in the Choctaw language to Choctaw Indians and speaking no other but the Choctaw language? A She was not in the Choctaw Nation then?
- Q You answer my question; were those Choctaw Indians and was she talking to Choctaw Indians in the Choctaw language? A I could not say that it was the Choctaw language.
- Q Were they Choctaw Indians? A They said they were.

This applicant has the appearance and physical characteristics of being descended from white parentage; blue eyes, fair complexion, brown hair; does not understand the Choctaw language except he used to understand a few words, which he has forgotten; he has no knowledge of the compliance on the part of his ancestors with any of the provisions of the treaty of 1830.

W. H. Martin, being first duly sworn, on oath states that as stenographer to the Commission to the Five Civilized Tribes he recorded the above proceedings on the 11th day of June, 1892, and that the above and foregoing is a full, true and correct transcript

of his stenographic notes in the same.

H. H. Mc

Subscribed and sworn to before me this 14th day of June, 1888.

Charles Notary

Notary Public.

COMMISSIONERS
TAMM BIXBY,
THOMAS B. NEEDLES
C. R. BRACKINRIDGE
W. E. STANLEY

ALLISON L. AYLESWORTH,
SECRETARY

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES

COPY

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

REFER IN REPLY TO THE FOLLOWING

M. C. R. 1804.

MUSKOGEE, INDIAN TERRITORY, May 15, 1903.

Emaley M. Sanders,
Silo, Indian Territory.

You are hereby advised that on the 15th day of May, 1903, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Scott S. Dumas, et al., embracing the following applications for identification as Mississippi Choctaws:

Scott S. Dumas, et al.,	M. C. R. 4006
Miles G. Lantrip,	M. C. R. 4737
Mary P. Phillips, et al.,	M. C. R. 4738
Isom Lantrip,	M. C. R. 4739
William T. Brasher, et al.,	M. C. R. 4740
Andy Brasher, et al.,	M. C. R. 4741
Robert L. Brasher,	M. C. R. 4742
Albert Collums,	M. C. R. 4743
James S. Collums,	M. C. R. 4744
Thaddeus W. Dumas,	M. C. R. 5737
Anselius W. Dumas,	M. C. R. 5726
Alexander Dumas, et al.,	M. C. R. 6113
Sharkey H. Roth,	M. C. R. 5845
Mary E. Carothers, et al.,	M. C. R. 5700
Currie McConico, et al.,	M. C. R. 5520
Bernard A. Williams, et al.,	M. C. R. 5144
Maud Cain, et al.,	M. C. R. 5807
Claude A. Grantham, et al.,	M. C. R. 5714
James J. Dumas, et al.,	M. C. R. 5717
Sydney L. Dumas,	M. C. R. 5803
Adella Caroline Hardin, et al.,	M. C. R. 5698
Lulu K. Smith, et al.,	M. C. R. 5699
Benjamin F. Dumas,	M. C. R. 4521
James D. Dumas, et al.,	M. C. R. 4524
Ennis Palmer, et al.,	M. C. R. 5857
Maud Terry, et al.,	M. C. R. 4523
Lottie McCoy,	M. C. R. 4522
Jane E. McCreary,	M. C. R. 4523
Mary C. L. Hollis, et al.,	M. C. R. 4223
William H. Hollis, et al.,	M. C. R. 4311
Lawrence W. Hollis, et al.,	M. C. R. 4310
Minnie H. Nicolds, et al.,	M. C. R. 4312
Mary C. McLeod, et al.,	M. C. R. 4313
Hattie E. Andrews, et al.,	M. C. R. 4314
Charlie T. Skinner, et al.,	M. C. R. 4315

Thomas H. Hollis,	M. C. R. 4309
Blanche G. Merchant,	M. C. R. 4223
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Elizabeth Wood,	M. C. R. 6268
Eula P. Niswander, et al.,	M. C. R. 6342
Lawrence L. Thompson, et al.,	M. C. R. 6378

These applications were made under the provision of the act of Congress of June 28, 1898 (30 Stats., 495), which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto, and make report to the Secretary of the Interior."

-Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Scott S. Dumas, Ruth Dumas, Miles G. Lantrip, Mary P. Phillips, Early E. Phillips, Esther E. Phillips, Maud E. Phillips, Leo R. Phillips, Myrtle Phillips, Leland Phillips, Durelle Phillips, Rex Phillips, Isom Lantrip, William T. Brasher, Maltie Brasher, Vaudy Brasher, Cordy Brasher, Andy Brasher, Ada Brasher, William C. Brasher, Robert L. Brasher, Albert Collums, James S. Collums, Thaddeus W. Dumas, Aurelius W. Dumas, Alexander Dumas, Dixie M. Dumas, Melville Sidney Dumas, Charles I. Dumas, Sharkey H. Roth, Mary E. Carothers, Ida Blanche McClurg, Susie May McClurg, Ada Maud McClurg, Monroe McClurg, Carrie McConico, Nannie May Mobley, Henry Pope Mobley, Willie McConico, Bernard A. Williams, Marcellus Williams, John Williams, Vernie Williams, Maud Williams, Hattie Williams, Maud Cain, John Joseph Cain, Ida May Cain, Claude A. Grantham, Claudia May Grantham, James J. Dumas, Lawrence Dumas, Sydney L. Dumas, Adella Caroline Hardin, Ollie Caroline Hardin, Clyde Abraham Hardin, Lula K. Smith, Opal Smith, Benjamin F. Dumas, James D. Dumas, Abbie A. Dumas, James H. Dumas, Gladys Dumas, Benjamin Dumas, Ennis Palmer, Edgar Palmer, Erbert Palmer, Maud Terry, Moina Terry, Dumas Terry, Millwee Terry, Lottie McCoy, Jane E. McCreary, Mary C. L. Hollis, Linnie L. Hollis, William H. Hollis, William H. Hollis, Jr., Lawrence W. Hollis, Eva M. Hollis, Lawrence W. Hollis, Jr., Beatrice M. Hollis, Scott W. Hollis, Minnie H. Nicolds, Richard Nicolds, Hollis Nicolds, Kate Nicolds, Edward Nicolds, Minnie Nicolds, Mary C. McLeod, Mary L. McLeod, Hattie E. Andrews, Max R. Andrews, Jr., Hattie E. Andrews (2), Charlie T. Skinner, Blanche L. Skinner, Thomas H. Hollis, Blanche G. Merchant, Lawrence W. Dumas, Mallie T. Dumas, Annie C. Dumas, Katie L. Dumas, Janie S. Dumas, Lawrence W. Dumas, Jr., Mary A. Wade, Edgar D. Wade, Glennan A. Wade, Willie P. Dumas, Jennie W. Dumas, Clark G. Dumas, Faris Dumas, John R. Dumas, Walter A. Dumas, Justin R. Dumas, Carrie A. Wilkerson, James A. Wilkerson, Walter D. Wilkerson, Maggie Ida Dumas, William P. Mims, Ransom E. Mims, Oscar M. Mims, William T. Mims, Frank E. Dumas, Ben M. Dumas, Edward W. Blakey, Edna Blakey, John Blakey, Nannie Black, Catherine Black, Charles H. Black, Ammon Wood, Willie A. Wood, Leslie B. Wood, Willie Wood, Ellington Wood, Edna Fry, Robert B. Shipp, Ruby B. Shipp, Maria J. Crawford, Lucille Crawford, Ghent Crawford, Ed S. Crawford, Jr., Jodie E. Crawford, Majie J. Crawford Cole, Jewel I. Cole, James A. Cole, Susie M. Cole, Christine Cole, Majie Douglass Cole, Elizabeth Baxter Caldwell, Mabel E. Caldwell, Jodie Lee Caldwell, Jennie B. H. Calhoun, Owen H. Calhoun, Edwin C. Calhoun, J. M. Crawford, Edwin Dickey Crawford, Hattie May Crawford, James M. Crawford, Jr., Ellen Lee Crawford, Robert H. Crawford, Edna M. Folliard, Crawford J. Folliard, Aileen Folliard, Cecil H. Folliard, William Richard Folliard, Everett B. Crawford, Everett B. Crawford, Jr., Edwin R. Crawford, Pinkie Creager, Margaret E. Creager, Fannie Sharp, Dan M. Sharp, Charlotte June Sharp, George H. Gresham, Oliver P. Gresham, Lizzie D. Gresham, Frances Margret Gresham, Robert O. Gresham, Hill Campbell Gresham, Erma Biglow, David E. Dumas, DeBerry G. Dumas, Walter A. Dumas, Birdie D. Carlet, Glenna W. Carlet, Helen C. Carlet, Mack O. Dumas, Susan M. Hendricks, Onia Ann Stephens, Leno A. Stephens, Harold Richard Stephens, Louise Stephens, Vernon Stephens, Charles Edwin Stephens, Jr., Jackson E. Hendricks, Jr., Hallie H. Hendricks, Ruth Hendricks, Rubie Hendricks, Mary H. Decker, William H. Decker, Jr., Susan H. Decker, Helen Martin, Vera Martin, Alma Martin, Samuel Martin, John W. Dumas, Ada B. Ewing, Freda Ewing, Mabel Ewing, Monnie P. Dumas, Malinda Blanks, Arthur Blanks, William C. Blanks, Ruth J. Blanks, Mary G. Blanks, Robert E. Blanks, Robert E. Blanks, Jr., Nora E. Binford, Birdie A. Wilson, John H. Wilson, Albert G. Dumas, Arline Dumas, Lisle Dumas, Dixie D. Dumas, Roxanna Freeman, William Clyde Freeman, Arizona Elizabeth Daniels, Stafford Livonia Daniels, Dixie Dumas Connolly, Sybil Connolly, Frank C. Connolly, Maude Florence Clark, Irene L. Clark, May L. Brown, Murat Dumas, Eugene Dumas, Lula A. Dumas, Lena Fulton, J. Harold Fulton, Clifford C. Fulton, Lauren Scott Cannon, Josiah R. Cannon, Kathleene Cannon, Eula Umphress, Carl C. Umphress, Helen M. Umphress, Pearl Barron, Guyon Elizabeth Barron, James W. Wheat, Dumas Wheat, Ivy A. Fowler, Dan H. Dumas, Harriet Pinkey Dumas, Eula D. Shivel, Walter W. Dumas, James P. Dumas, Travis M. Dumas, Lige F. Dumas,

Verna J. Dumas, Hazel A. Dumas, Laura D. Cole, Dorothy Cole, Victoria J. Pierce, Louis Pierce, Arthur Pierce, Lee W. T. Herman, Annie B. Wallace, Gladys Wallace, Marvin Wallace, Hortense Wallace, Ferrol Wallace, Louis Dumas, Ward Lamou Dumas, Fred Dumas, Mary A. E. Dumas, Belle Leslie, Gerline Leshe, Mac D. Leslie, Lloyd Leslie, Karl Leslie, John F. Sanders, Robert D. Sanders, Cynthia Beatrice Sanders, Turner Lee Sanders, Nancy J. Whorton, Mabel Whorton, James L. Sanders, Julia A. Wells, Emsley M. Sanders, Dottie Sanders, Cora C. Bond, Callie Bond, Ray M. Bond, Clede Bond, Margaret K. Aston, Belva Lockwood Aston, Mary Jane Damron, Emma J. Damron, Claud M. Damron, Maud Damron, Lila C. Damron, Walter W. Damron, Minnie Damron, Mamie Damron, Joseph Scott Damron, William E. Aston, Eula M. Aston, Verna D. Aston, Texanna Aston, Willie Eunice Aston, Lonie H. Aston, William Edward Aston, Jr., Vic Damron, Clara Bell Damron, Hugh Ella Damron, Jimmie Otha Damron, Nora May Damron, Willie Monroe Damron, Cynthia Jane Dicken, John R. Ferguson, William T. Sanders, Louis Burke Sanders, Wilda D. Sanders, James P. Sanders, Nellie Sanders, Cora Sanders, Olive Sanders, Missieniah Ellison, Lena Nichols, Alma Ellison, Lillie Page, Marie Page, Catharine Page, Walter H. Thompson, Jeff D. Thompson, Clarence E. Thompson, James A. Thompson, Willie L. Thompson, Madeline F. Thompson, Gracie L. Thompson, Elsie Thompson, Mary L. Thompson, Minnie L. Thompson, Essie B. Thompson, Myrtle Thompson, John L. Thompson, Mary A. Ferguson, Julia A. Ferguson, Jeff Ferguson, Scotty S. Ferguson, Georgie B. Ferguson, Loverd E. Ferguson, Vergie J. Powers, Murray Powers, Maybell Powers, Willie E. Ferguson, Vergie B. Ferguson, Frank G. Ferguson, Alonzo A. Ferguson, Sue A. Thompson, May Thompson, Ada Thompson, Emma C. Canon, Emsley J. Canon, Alexander Canon, Tullie Clyde Canon, Winnie D. Canon, Delmer Canon, George Thompson, Charlie W. Thompson, Luther Bell Thompson, Mary Gertrude Thompson, George Homer Thompson, Ida Sanford, Lula Thompson Noe, Chester William Noe, Verner L. Dumas, James Don Dumas, Ella May Dumas, Claude E. Dumas, Jim Dumas, Missie E. Biggerstaff, Dora Biggerstaff, John M. Biggerstaff, Winnie Biggerstaff, Gladys Biggerstaff, Nettie A. Woolverton, Elizabeth Wood, Eula P. Niswander, Mildred Niswander, Lawrence L. Thompson, Mildred Bell Thompson, Lawrence L. Thompson, Jr., Cornelia Elizabeth Thompson and Willie Thompson as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the applications for their identification as such should be refused, and it is so ordered."

You are further advised that you will be allowed fifteen days from the date hereof within which to file arguments in this office, and that at the expiration of said time the papers in the case, together with such arguments will be forwarded to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

(SIGNED),

James D. Doby.

Chairman.

Registered.

MOR-5804

COPY.

Muskogee, Indian Territory, January 22, 1906.

Emley M. Sanders,

Silo, Indian Territory.

Dear Sir:

You are hereby notified that the Secretary of the Interior, on January 5, 1906, affirmed the decision of the Commission to the Five Civilized Tribes of May 15, 1903, refusing the applications of the several persons included in the consolidated Mississippi Choctaw case of Scott S. Dumas, et al., of which, the application for the identification of yourself and minor child, Dottie Sanders, as Mississippi Choctaws, is a part.

Respectfully,

SIGNED

Commissioner.

For Identification as a Mississippi Choctaw.

Date

Name Emuley M. Sanders.

Age 56 - Blood 1/16

Post-Office. Silo, D. T. -

Father: W. D. Sanders, d

Mother: Nancy Jones " d

Claims through mother,
wife - (1)

Mary Ann Sanders d, 1/16

Choc. blood, claims this
Wm A. McDonald, (d) Miss. ch
father of Mary Ann Sanders -
wife (2) Ida Sanders, E. W.
children.

one child by 1st wife
Ottie Sanders F. 16

Claims for self &
one child.

Stenographer W. H. Martin.



Choctaw MCR 5805

Mary Jane Damron

See MCR 4006

MCR 5805

Department of the Interior,
Commission to the Five Civilized Tribes.
Muskogee, I. T., June 11, 1902.

43002

In the matter of the application of Mary Jane Barron for the identification of herself and her eight minor children, Emma J., Glad H., Maud, Lila C., Walter W., Minnie, Mamie, and Joseph Scott Barron, as Mississippi Choctaws.

J. G. Kalls, Attorney for applicant.

Mary Jane Barron being first duly sworn testifies as follows:

Examination by the Commission.

- Q What is your name? A Mary Jane Barron.
Q What is your age? A Thirty-five.
Q What is your post-office address? A Sile, Indian Territory.
Q How long have you lived at Sile? A Five years.
Q Where did you live before that? A In Gollin County, Texas.
Q How long did you live in Texas? A All my life, I was born and raised there.
Q And lived at what place most of the time? A In the North-east corner Gollin County.
Q Is your father living? A Yes sir.
Q Is your mother living? A Yes sir.
Q What is your father's name? A Hugh L. Aston.
Q What is your mother's name? A Margaret K. Aston.
Q Through which parent do you claim your Choctaw blood? A Through my mother.
Q How much Choctaw blood do you claim? A One-thirtysecond.
Q Has your mother ever been recognized in any way or enrolled as a citizen of the Choctaw Nation by the Choctaw tribal authorities or the United States authorities in the Indian Territory? A Not until now.
Q This is the question: Has she ever been recognized as a Choctaw Indian, she herself? A No sir.
Q Has your mother made application to be identified as a Mississippi Choctaw before the Commission? A Yes sir.
Q When did she appear here? A In February.
Q 1902? A Yes sir.
Q She made application under the name of Margaret Maria? A Yes sir.
Q You did she? A Yes sir.
Q Are you married? A Yes sir.
Q What is your husband's name? A J. V. Barron.
Q Is he living? A Yes sir.
Q Is he a white man or Choctaw Indian? A White man.
Q Do you make any claim for him? A No sir.
Q Have you any children under twenty-one years of age and unmarried that you want to make application for? A Yes sir, eight.

- Q All of them unmarried and under twenty-one years of age? A Yes sir.
- Q Give me the name of the eldest? A Emma J. Bauren.
- Q How old? A Twenty years old.
- Q The next? A Oland M. Bauren.
- Q How old is he? A He is seventeen.
- Q The next? A Maud Bauren, born July 15, 1896, she is fifteen.
- Q The next? A Lila C. Bauren.
- Q A girl? A Yes sir.
- Q How old? A Thirteen.
- Q The next? A Walter W. Bauren.
- Q How old? A He is eleven.
- Q The next? A Minnie and Mamie.
- Q How old is Minnie? A They are both ten years old; they are twins.
- Q What is the name of the other? A Mamie.
- Q The next? A Joseph Scott Bauren.
- Q How old? A Seven years old.
- Q Is that all? A Yes sir.
- Q Is J. W. Bauren the father of these children? A Yes sir.
- Q Are they all living with you at your home, and are you living with your husband there? A Yes sir.
- Q Were either you or your husband married before your marriage to each other? A No sir.
- Q Have you any children over twenty-one years of age? A No sir.
- Q Is your name on any of the tribal rolls of the Choctaw Nation in the Indian Territory? A No sir.
- Q Have you ever made application for citizenship in the Choctaw Nation for yourself and children to the Choctaw tribal authorities in the Indian Territory? A No sir.
- Q Have you ever made application for citizenship in the Choctaw Nation for yourself and children to the Commission to the Five Civilized Tribes under the act of Congress of June 10, 1898? A No sir.
- Q Have you ever with your children been admitted to citizenship in the Choctaw Nation by either the Choctaw tribal authorities, the Commission to the Five Civilized Tribes or the United States Court in the Indian Territory? A No sir.
- Q Do you now come before the Commission to identify yourself and these children as Mississippi Choctaws claiming under article fourteen of the treaty of 1830? A Yes sir.
- Q Is this the first application you have ever made for citizenship in the Choctaw Nation for yourself and children to any authority whatever? A Yes sir.
- Q Do you understand article fourteen of that treaty? A I don't think I do as well as I could.

The treaty of 1830 was made between the United States government and the Choctaw Indians at a place in Mississippi called Dancing Rabbit creek, and was signed on the 27th day of September of that year, and ratified on the 24th day of February, 1831. The object of the treaty was to remove all of the Choctaw Indians from that old Choctaw Nation east of the Mississippi River to the Choctaw Nation, Indian Territory. It became known however before the treaty was signed that a great many of the Choctaw Indians would not go to the Choctaw Nation, Indian Territory, under the treaty, and something was necessary to be done in order to protect the interests of those Choctaw Indians who remained in the old Choctaw Nation, so before the treaty was signed article fourteen was drafted and put into the treaty of 1830; that article was for the protection of Mississippi Choctaws who stayed back in the old Choctaw Nation, and that article reads as follows:

"ARTICLE XIV. Each Choctaw head of a family being desirous to remain and become a citizen of the states shall be permitted to do so by signifying his intention to the Agent within six months from the ratification of this treaty, and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land, to be bounded by sectional lines of survey; in like manner shall be entitled to one half that quantity for each unmarried child which is living with him over ten years of age, and a quarter section to such child as may be under ten years of age, to adjoin the location of the parent. If the reside upon said lands intending to become citizens of the states for five years after the ratification of this treaty, in that case, a grant in fee simple shall issue; said reservation shall include the present improvement of the head of the family or a portion of it. Persons who claim under this article shall not lose the privilege of a Choctaw citizen, but if they ever remove are not entitled to any portion of the Choctaw annuity."

- Q Did any of your Choctaw ancestors comply or attempt to comply with any provisions of article fourteen of that treaty? A No sir, not that I know of.
- Q What is the name of your ancestor through whom you claim your right to be identified as a Mississippi Choctaw? A My grandmother, Brashears.
- Q What was her first name? A Kessiah Brashears.
- Q Was that her maiden name? A Yes sir.
- Q That was your grandmother? A Yes sir.
- Q How much Choctaw blood did she have? A One fourth.
- Q What was the name of her husband? A Fleming Thompson.
- Q Was he a white man? A Yes sir.
- Q Did she, Kessiah Thompson, live in the old Choctaw Nation in Alabama or Mississippi in 1830? A I don't know.
- Q Did she ever live in the old Choctaw Nation in Mississippi or Alabama? A I don't know that.
- Q Do you know whether she lived in the old Choctaw Nation in 1830 and was the head of a family there then? A No sir I don't.
- Q How old would she be if living now? A She would be right at 90 years old or 95.
- Q Do you know where she was born? A A No sir.
- Q Do you know where she died? A In Gollin County, Texas.
- Q You claim through your mother? A Yes sir.
- Q Was she born in Mississippi or Alabama? A In Mississippi.
- Q How old is she now? A 84.
- Q And she was born in Mississippi fifty-four years ago; did she have any older brothers and sisters? A Yes sir.
- Q What was her maiden name? A Sanders.
- Q Did she claim through her father or mother? A Through her mother.
- Q Her mother's maiden name was what? A Thompson.
- Q Did you not say a little while ago that Kessiah Brashears was your grandmother? A Great grandmother.

- Q Did you not say grandmother? A I might have said that but I did not aim it that way; she is my great grandmother.
- Q So that Keshiah Thompson had a daughter named what? A Nancy Jane Thompson.
- Q And married whom? A Sanders, I don't know his name, W. T. Sanders.
- Q And your mother's maiden name was what? A Margaret K. Sanders.
- Q Of these ancestors you have mentioned can you give the name of any one who lived in Alabama or Mississippi in the old Choctaw Nation in 1830 and was the head of a family there then? A No sir I cant.
- Q Did any of your Choctaw ancestors own any land or claim any land in the old Choctaw Nation in Mississippi or Alabama under article fourteen of the treaty of 1830? A I don't know.
- Q Did any of your Choctaw ancestors own any improvements on land in the old Choctaw Nation in Mississippi or Alabama in 1830? A I don't know.
- Q Did any of your Choctaw ancestors within six months after the ratification of the treaty of 1830 go to the United States Indian Agent, Colonel Ward, and tell him that they wanted to stay in Mississippi, take land there, and become citizens of the states? A I don't know.
- Q Did any of your Choctaw ancestors go from that old Choctaw Nation east of the Mississippi river to the Choctaw Nation, Indian Territory, with the other Indians between 1833 and 1838 or 1840? A I don't know anything about that.

The Choctaw Indians who stayed in the old Choctaw Nation after the treaty of 1830 was ratified were required if they wanted to take advantage of article fourteen of that treaty to go to the United States Indian Agent, Colonel Ward, within six months after the ratification of the treaty, and tell him that they wanted to stay in Mississippi, take land there and become citizens of the state. A great many did this whose names Colonel Ward neglected to put on his list known as "Ward's Register"; his neglect to put their names on that list caused a great many Choctaw Indians who held land and improvements in the old Choctaw Nation to lose both land and improvements; both were taken from them by the government and sold at its public land sales. This caused so many complaints among the Indians that Congress appointed a Commission in 1837 under an act of Congress approved March 3rd of that year, which went to Mississippi and heard claimants under article fourteen of the treaty of 1830; and in 1848 under an act of Congress approved August 23rd of that year another Commission was appointed, which also went to Mississippi and heard claimants under article fourteen of the treaty of 1830.

- Q Did any of your Choctaw ancestors go before either of these two Commissions and claim any benefits as Choctaw Indians under article fourteen of the treaty of 1830? A I don't know.
- Q Did any of your Choctaw ancestors receive any script from the government which entitled them to select land either in Mississippi, Alabama, Louisiana or Arkansas? A I don't know.

This script was issued under an act of Congress approved August 23rd, 1848, and was given to those Choctaw Indians who proved their claim under article fourteen of the treaty of

1830, and also proved that their land which they one held had been taken from them by the government and sold.

- Q Is Scott S. Dumas related to you? A Yes sir.
Q What relation is he to you? A Second cousin.
Q Are you related to Sydney L. Dumas who appeared before the Commission today? A Not that I know of.
A What relation is Masley M. Sanders, who appeared before the Commission today to you? A He is my Uncle.
Q There are a great many other relatives of yours, are there not, who claim through the same common ancestor who have been before the Commission to be identified as Mississippi Choctaws?
A Yes sir.
Q Do you want to have your case and theirs consolidated under the case of Scott S. Dumas? A Yes, I suppose so.

The case of Scott S. Dumas, M. C. R. 4006, is here referred to for the purpose of consolidation.

- Q Do you speak the Choctaw language? A No sir.
Q Have you any other evidence you want to introduce? A No sir.
Q Would you like a little time in which to introduce further testimony? A No sir, I don't know that it is any use for any more time; I don't know anything about it.

This applicant has the appearance and physical characteristics of being descended from white parentage; medium fair complexion; brown hair, brown eyes; does not understand the Choctaw language and has no knowledge of the compliance on the part of her ancestors with any of the provisions of article 14 of the treaty of 1830.

W. H. Martin being first duly sworn on his oath states that as stenographer to the Commission to the Five Civilized Tribes he recorded the above proceedings on the 11th day of June, 1902, and that the foregoing is a full, true and correct transcript of his stenographic notes in the same.

Subscribed and sworn to before me this 12th day of June, 1902.

Charles H. Sawyer

Notary Public.

COMMISSIONERS
TAMM BIXBY
THOMAS B. NEEDLES
C. R. BRECKINRIDGE
W. E. STANLEY

ALLISON L. AYLESWORTH,
SECRETARY

COPY.

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.

REFER IN REPLY TO THE FOLLOWING

M. C. R. 5805.

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES

MUSKOGEE, INDIAN TERRITORY, May 15, 1903

Mary Jane Dameron,
Silo, Indian Territory.

You are hereby advised that on the 15th day of May, 1903, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Scott S. Dumas, et al., embracing the following applications for identification as Mississippi Choctaws:

Scott S. Dumas, et al.,	M. C. R. 4006
Miles G. Lantrip,	M. C. R. 4737
Mary P. Phillips, et al.,	M. C. R. 4738
Isom Lantrip,	M. C. R. 4739
William T. Brasher, et al.,	M. C. R. 4740
Andy Brasher, et al.,	M. C. R. 4741
Robert L. Brasher,	M. C. R. 4742
Albert Collums,	M. C. R. 4743
James S. Collums,	M. C. R. 4744
Thaddeus W. Dumas,	M. C. R. 5737
Aurelius W. Dumas,	M. C. R. 5736
Alexander Dumas, et al.,	M. C. R. 6113
Sharkey H. Roth,	M. C. R. 5845
Mary E. Carothers, et al.,	M. C. R. 5700
Carrie McConico, et al.,	M. C. R. 5520
Bernard A. Williams, et al.,	M. C. R. 5144
Maud Cain, et al.,	M. C. R. 5807
Claude A. Grantham, et al.,	M. C. R. 5714
James J. Dumas, et al.,	M. C. R. 5717
Sydney L. Dumas,	M. C. R. 5803
Adella Caroline Hardin, et al.,	M. C. R. 5698
Lulu K. Smith, et al.,	M. C. R. 5699
Benjamin F. Dumas,	M. C. R. 4521
James D. Dumas, et al.,	M. C. R. 4524
Ennis Palmer, et al.,	M. C. R. 5857
Maud Terry, et al.,	M. C. R. 4525
Lottie McCoy,	M. C. R. 4522
Jane E. McCreary,	M. C. R. 4523
Mary C. L. Hollis, et al.,	M. C. R. 4222
William H. Hollis, et al.,	M. C. R. 4311
Lawrence W. Hollis, et al.,	M. C. R. 4310
Minnie H. Nicolds, et al.,	M. C. R. 4212
Mary C. McLeod, et al.,	M. C. R. 4313
Hattie E. Andrews, et al.,	M. C. R. 4314
Charlie T. Skinner, et al.,	M. C. R. 4315

Thomas H. Hollis,	M. C. R. 4309
Blanche G. Merchant,	M. C. R. 4223
Lawrence W. Dumas, et al.,	M. C. R. 5731
Mary A. Wade, et al.,	M. C. R. 5822
Willie P. Dumas, et al.,	M. C. R. 5810
John R. Dumas, et al.,	M. C. R. 5701
Carrie A. Wilkerson, et al.,	M. C. R. 5703
Maggie Ida Dumas,	M. C. R. 5702
William P. Mims,	M. C. R. 5985
Ransom E. Mims, et al.,	M. C. R. 5858
Frank E. Dumas,	M. C. R. 5732
Ben M. Dumas,	M. C. R. 5811
Edward W. Blakey, et al.,	M. C. R. 5425
Nannie Black, et al.,	M. C. R. 4185
Charles H. Black,	M. C. R. 4200
Ammon Wood, et al.,	M. C. R. 4202
Willie Wood,	M. C. R. 4203
Ellington Wood,	M. C. R. 4199
Edna Fry,	M. C. R. 4286
Robert B. Shipp, et al.,	M. C. R. 4285
Maria J. Crawford, et al.,	M. C. R. 4115
Majie J. Crawford Cole, et al.,	M. C. R. 4116
Elizabeth Baxter Caldwell, et al.,	M. C. R. 4114
Jennie B. H. Calhoun, et al.,	M. C. R. 4117
J. M. Crawford, et al.,	M. C. R. 4094
Robert H. Crawford,	M. C. R. 4164
Edna M. Folliard, et al.,	M. C. R. 4168
Everett B. Crawford, et al.,	M. C. R. 4165
Edwin R. Crawford,	M. C. R. 4077
Pinkie Creager, et al.,	M. C. R. 4169
Fannie Sharp, et al.,	M. C. R. 4433
George H. Gresham,	M. C. R. 4098
Oliver P. Gresham, et al.,	M. C. R. 4095
Robert O. Gresham, et al.,	M. C. R. 4201
Erma Biglow,	M. C. R. 4435
David E. Dumas,	M. C. R. 4651
DeBerry G. Dumas, et al.,	M. C. R. 4119
Birdie D. Carlet, et al.,	M. C. R. 4123
Mack O. Dumas,	M. C. R. 4658
Susan M. Hendricks,	M. C. R. 4121
Onia Ann Stephens, et al.,	M. C. R. 4096
Jackson E. Hendricks, Jr., et al.,	M. C. R. 4126
Mary H. Decker, et al.,	M. C. R. 4122
Helen Martin, et al.,	M. C. R. 4097
John W. Dumas,	M. C. R. 5012
Ada B. Ewing, et al.,	M. C. R. 4284
Minnie P. Dumas,	M. C. R. 5011
Malinda Blanks, et al.,	M. C. R. 4118
William C. Blanks, et al.,	M. C. R. 4135
Robert E. Blanks, et al.,	M. C. R. 4139
Nora E. Binford,	M. C. R. 4125
Birdie A. Wilson, et al.,	M. C. R. 4134
Albert G. Dumas, et al.,	M. C. R. 4631
Roxanna Freeman, et al.,	M. C. R. 4850
Arizona Elizabeth Daniels, et al.,	M. C. R. 4638
Dixie Dumas Connolly, et al.,	M. C. R. 4632
Maude Florence Clark, et al.,	M. C. R. 5713
May L. Brown,	M. C. R. 5725

Murat Dumas, et al.,	M. C. R. 5715
Lula A. Dumas,	M. C. R. 5716
Lena Fulton, et al.,	M. C. R. 4144
Lauren Scott Cannon, et al.,	M. C. R. 4145
Eula Umphress, et al.,	M. C. R. 4146
Pearl Barron, et al.,	M. C. R. 4147
James W. Wheat, et al.,	M. C. R. 4695
Ivy A. Fowler,	M. C. R. 4696
Dan H. Dumas, et al.,	M. C. R. 3766
Eula D. Shivel,	M. C. R. 4075
Walter W. Dumas,	M. C. R. 4015
James P. Dumas,	M. C. R. 3503
Travis M. Dumas, et al.,	M. C. R. 4007
Verna J. Dumas, et al.,	M. C. R. 4140
Laura D. Cole, et al.,	M. C. R. 4141
Victoria J. Pierce, et al.,	M. C. R. 4066
Lee W. T. Herman,	M. C. R. 4254
Annie B. Wallace, et al.,	M. C. R. 4250
Louis Dumas, et al.,	M. C. R. 4014
Belle Leslie, et al.,	M. C. R. 4067
John F. Sanders, et al.,	M. C. R. 5445
Nancy J. Whorton, et al.,	M. C. R. 5446
James L. Sanders,	M. C. R. 5560
Julia A. Wells,	M. C. R. 5559
Emmely M. Sanders, et al.,	M. C. R. 5804
Cora C. Bond, et al.,	M. C. R. 4620
Margaret K. Aston, et al.,	M. C. R. 4562
Mary Jane Damron, et al.,	M. C. R. 5805
William E. Aston, et al.,	M. C. R. 4583
Vic Damron, et al.,	M. C. R. 4619
Cynthia Jane Dicken, et al.,	M. C. R. 4582
William T. Sanders, et al.,	M. C. R. 5444
James P. Sanders, et al.,	M. C. R. 4069
Missieniah Ellison, et al.,	M. C. R. 4154
Lillie Page, et al.,	M. C. R. 4155
Walter H. Thompson,	M. C. R. 4142
Jeff D. Thompson, et al.,	M. C. R. 4016
Mary A. Ferguson, et al.,	M. C. R. 4772
Vergie J. Powers, et al.,	M. C. R. 4773
Willie E. Ferguson, et al.,	M. C. R. 4774
Alonzo A. Ferguson,	M. C. R. 4775
Sue A. Thompson, et al.,	M. C. R. 4389
Ada Thompson,	M. C. R. 4076
Emma C. Canon, et al.,	M. C. R. 3414
Winnie D. Canon,	M. C. R. 3415
Delmer Canon,	M. C. R. 3761
George Thompson, et al.,	M. C. R. 3756
George Homer Thompson,	M. C. R. 3757
Ida Sandford,	M. C. R. 3759
Lula Thompson Noe, et al.,	M. C. R. 3760
Verner L. Dumas,	M. C. R. 5719
James Don Dumas, et al.,	M. C. R. 5720
Claude E. Dumas, et al.,	M. C. R. 5721
Missie E. Biggerstaff, et al.,	M. C. R. 5722
Nettie A. Woolverton,	M. C. R. 6185
Elizabeth Wood,	M. C. R. 6268
Eula P. Niswander, et al.,	M. C. R. 6342
Lawrence L. Thompson, et al.,	M. C. R. 6373

These applications were made under the provision of the act of Congress of June 28, 1898 (30 Stats., 495), which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto, and make report to the Secretary of the Interior."

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Scott S. Dumas, Ruth Dumas, Miles G. Lantrip, Mary P. Phillips, Early E. Phillips, Esther E. Phillips, Maud E. Phillips, Leo R. Phillips, Myrtle Phillips, Leland Phillips, Dorelle Phillips, Rex Phillips, Isom Lantrip, William T. Brasher, Maltie Brasher, Vaudy Brasher, Cordy Brasher, Andy Brasher, Ada Brasher, William C. Brasher, Robert L. Brasher, Albert Collums, James S. Collums, Thaddeus W. Dumas, Aurelius W. Dumas, Alexander Dumas, Dixie M. Dumas, Melville Sidney Dumas, Charles I. Dumas, Sharkey H. Roth, Mary E. Carothers, Ida Blanche McClurg, Susie May McClurg, Ada Maud McClurg, Monroe McClurg, Carrie McConico, Nannie May Mobley, Henry Pope Mobley, Willie McConico, Bernard A. Williams, Marcellus Williams, John Williams, Vernie Williams, Maud Williams, Hattie Williams, Maud Cain, John Joseph Cain, Ida May Cain, Claude A. Grantham, Claudia May Grantham, James J. Dumas, Lawrence Dumas, Sydney L. Dumas, Adella Caroline Hardin, Ollie Caroline Hardin, Clyde Abraham Hardin, Lula K. Smith, Opal Smith, Benjamin F. Dumas, James D. Dumas, Abbie A. Dumas, James H. Dumas, Gladys Dumas, Benjamin Dumas, Ennis Palmer, Edgar Palmer, Erbert Palmer, Maud Terry, Moina Terry, Dumas Terry, Millwee Terry, Lottie McCoy, Jane E. McCreary, Mary C. L. Hollis, Linnie L. Hollis, William H. Hollis, Jr., Lawrence W. Hollis, Eva M. Hollis, Lawrence W. Hollis, Jr., Beatrice M. Hollis, Scott W. Hollis, Minnie H. Nicolds, Richard Nicolds, Hollis Nicolds, Kate Nicolds, Edward Nicolds, Minnie Nicolds, Mary C. McLeod, Mary L. McLeod, Hattie E. Andrews, Max R. Andrews, Jr., Hattie E. Andrews (2), Charlie T. Skinner, Blanche L. Skinner, Thomas H. Hollis, Blanche G. Merchant, Lawrence W. Dumas, Mallie T. Dumas, Annie C. Dumas, Katie L. Dumas, Janie S. Dumas, Lawrence W. Dumas, Jr., Mary A. Wade, Edgar D. Wade, Glennan A. Wade, Willie P. Dumas, Jennie W. Dumas, Clark G. Dumas, Faris Dumas, John R. Dumas, Walter A. Dumas, Justin R. Dumas, Carrie A. Wilkerson, James A. Wilkerson, Walter D. Wilkerson, Maggie Ida Dumas, William P. Mims, Ransom E. Mims, Oscar M. Mims, William T. Mims, Frank E. Dumas, Ben M. Dumas, Edward W. Blakey, Edna Blakey, John Blakey, Nannie Black, Catherine Black, Charles H. Black, Annon Wood, Willie A. Wood, Leslie B. Wood, Willie Wood, Ellington Wood, Edna Fry, Robert B. Shipp, Ruby B. Shipp, Maria J. Crawford, Lucille Crawford, Ghent Crawford, Ed S. Crawford, Jr., Jodie F. Crawford, Majie J. Crawford Cole, Jewel I. Cole, James A. Cole, Susie M. Cole, Christine Cole, Majie Douglass Cole, Elizabeth Baxter Caldwell, Mabel E. Caldwell, Jodie Lee Caldwell, Jennie B. H. Calhoun, Owen H. Calhoun, Edwin C. Calhoun, J. M. Crawford, Edwin Dickey Crawford, Hattie May Crawford, James M. Crawford, Jr., Ellen Lee Crawford, Robert H. Crawford, Edna M. Folliard, Crawford J. Folliard, Aileen Folliard, Cecil H. Folliard, William Richard Folliard, Everett B. Crawford, Everett B. Crawford, Jr., Edwin R. Crawford, Pinkie Creager, Margaret E. Creager, Fannie Sharp, Dan M. Sharp, Charlotte Jane Sharp, George H. Gresham, Oliver P. Gresham, Lizzie D. Gresham, Frances Margaret Gresham, Robert O. Gresham, Hill Campbell Gresham, Erma Biglow, David E. Dumas, DeBerry G. Dumas, Walter A. Dumas, Birdie D. Carlet, Glenna W. Carlet, Helen C. Carlet, Mack O. Dumas, Susan M. Hendricks, Onia Ann Stephens, Leno A. Stephens, Harold Richard Stephens, Louise Stephens, Vernon Stephens, Charles Edwin Stephens, Jr., Jackson E. Hendricks, Jr., Hallie H. Hendricks, Ruth Hendricks, Rubie Hendricks, Mary H. Decker, William H. Decker, Jr., Susan H. Decker, Helen Martin, Vera Martin, Alma Martin, Samuel Martin, John W. Dumas, Ada B. Ewing, Freda Ewing, Mabel Ewing, Minnie P. Dumas, Malinda Blanks, Arthur Blanks, William C. Blanks, Ruth J. Blanks, Mary G. Blanks, Robert E. Blanks, Robert E. Blanks, Jr., Nora E. Binford, Birdie A. Wilson, John H. Wilson, Albert G. Dumas, Arline Dumas, Lisle Dumas, Dixie D. Dumas, Roxanna Freeman, William Clyde Freeman, Arizona Elizabeth Daniels, Stafford Livonia Daniels, Dixie Dumas Connolly, Sybil Connolly, Frank C. Connolly, Maude Florence Clark, Irene L. Clark, May L. Brown, Murnt Dumas, Eugene Dumas, Lula A. Dumas, Lena Fulton, J. Harold Fulton, Clifford C. Fulton, Lauren Scott Cannon, Josiah R. Cannon, Kathleene Cannon, Eula Umphress, Carl C. Umphress, Helen M. Umphress, Pearl Barron, Guyon Elizabeth Barron, James W. Wheat, Dumas Wheat, Ivy A. Fowler, Dan H. Dumas, Harriet Pinkey Dumas, Eula D. Shivel, Walter W. Dumas, James P. Dumas, Travis M. Dumas, Lige F. Dumas,

Verna J. Dumas, Hazel A. Dumas, Laura D. Cole, Dorothy Cole, Victoria J. Pierce, Louis Pierce, Arthur Pierce, Lee W. T. Herman, Annie B. Wallace, Gladys Wallace, Marvin Wallace, Hortense Wallace, Ferrol Wallace, Louis Dumas, Ward Lamont Dumas, Fred Dumas, Mary A. E. Dumas, Belle Leslie, Gerline Leslie, Mae D. Leslie, Lloyd Leslie, Karl Leslie, John F. Sanders, Robert D. Sanders, Cynthia Beatrice Sanders, Turner Lee Sanders, Nancy J. Whorton, Mabel Whorton, James L. Sanders, Julia A. Wells, Emsley M. Sanders, Dottie Sanders, Cora C. Bond, Callie Bond, Ray M. Bond, Clede Bond, Margaret K. Aston, Belva Lockwood Aston, Mary Jane Damron, Emma J. Damron, Claud M. Damron, Maud Damron, Lila C. Damron, Walter W. Damron, Minnie Damron, Mannie Damron, Joseph Scott Damron, William E. Aston, Eula M. Aston, Verna D. Aston, Texanna Aston, Willie Eunice Aston, Lonie H. Aston, William Edward Aston, Jr., Vic Damron, Clara Bell Damron, Hugh Ella Damron, Jimmie Otha Damron, Nora May Damron, Willie Monroe Damron, Cynthia Jane Dicken, John R. Ferguson, William T. Sanders, Louis Burke Sanders, Wilda D. Sanders, James P. Sanders, Nellie Sanders, Cora Sanders, Olive Sanders, Missieniah Ellison, Lena Nichols, Alma Ellison, Lillie Page, Marie Page, Catharine Page, Walter H. Thompson, Jeff D. Thompson, Clarence E. Thompson, James A. Thompson, Willie L. Thompson, Madeline F. Thompson, Gracie L. Thompson, Elsie Thompson, Mary L. Thompson, Minnie L. Thompson, Essie B. Thompson, Myrtle Thompson, John L. Thompson, Mary A. Ferguson, Julia A. Ferguson, Jeff Ferguson, Scotty S. Ferguson, Georgie B. Ferguson, Lovard E. Ferguson, Vergie J. Powers, Murray Powers, Maybell Powers, Willie E. Ferguson, Vergie B. Ferguson, Frank G. Ferguson, Alonzo A. Ferguson, Sue A. Thompson, May Thompson, Ada Thompson, Emma C. Canon, Emsley J. Canon, Alexander Canon, Tullie Clyde Canon, Winnie D. Canon, Delmer Canon, George Thompson, Charlie W. Thompson, Luther Bell Thompson, Mary Gertrude Thompson, George Homer Thompson, Ida Sanford, Lula Thompson Noe, Chester William Noe, Verner L. Dumas, James Don Dumas, Ella May Dumas, Claude E. Dumas, Jim Dumas, Missie E. Biggerstaff, Dora Biggerstaff, John M. Biggerstaff, Winnie Biggerstaff, Gladys Biggerstaff, Nettie A. Woolverton, Elizabeth Wood, Eula P. Niswander, Mildred Niswander, Lawrence L. Thompson, Mildred Bell Thompson, Lawrence L. Thompson, Jr., Cornelia Elizabeth Thompson and Willie Thompson as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the applications for their identification as such should be refused, and it is so ordered."

You are further advised that you will be allowed fifteen days from the date hereof within which to file arguments in this office, and that at the expiration of said time the papers in the case, together with such arguments will be forwarded to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

(SIGNED),

Samuel Dancy

Chairman.

Registered.

MCR-5805

COPY!

Muskogee, Indian Territory, January 22, 1906.

Mary Jane Darron,

Silo, Indian Territory.

Dear Madam:

You are hereby notified that the Secretary of the Interior, on January 5, 1906, affirmed the decision of the Commission to the Five Civilized Tribes of May 15, 1903, refusing the applications of the several persons included in the consolidated Mississippi Choctaw case of Scott S. Dumas, et al., of which, the application for the identification of yourself and minor children, Emma J., Claude M., Maud, Lila C., Walter W., Minnie, Mamie and Joseph Scott Darron, as Mississippi Choctaws, is a part.

Respectfully,

SIGNED

Commissioner.

For Identification as a Mississippi Choctaw.

Date

JUN 11 1902

Name Mary Jane Warron.

Age 35

Blood

1/32

Post-Office.

Silo, I. P.

Father:

Hugh L. Aston, l.

Mother:

Margaret K. " l.

Claims through mother -

~~husband~~
J. W. Warron, l. w.
No claim for husband

Children:

Emma J. Warron, 20

Claud, M.

" M. 17

Maud

" F. 15 ~~16~~

Lila C.

" F. 13

Walter W.

" 11

Minnie

" ^{twins} { 10

Marnie

" { 10

Scotty

" 7

Claims for self &
& children

Stenographer

H. H. Martin



Choctaw MCR 5806

Nancy F. Snelson

See MCR 5975

MCR 5806

Department of the Interior,
Commission to the Five Civilized Tribes.
Muskogee, I. T., June 11, 1903.

For Sec.

In the matter of the application of Nancy F. Snelsen for the identification of herself and her seven minor children, Arny L., Robert M., Grover, Fay, Lawrence W., Hollin Page and Charley W. Snelsen, as Mississippi Choctaws.

John London, Attorney for Applicant.

Nancy F. Snelsen being first duly sworn testifies as follows:

Examination by the Commission.

- Q What is your name? A Nancy F. Snelsen.
Q How many children have you? A Seven.
Q All under age and unmarried? A Yes sir.
Q What is your age? A Thirty-seven.
Q What is your present address? A Okataha, Indian Territory.
Q How long have you lived in that place? A A short while, a little over a week.
Q Where did you live before that? A Lived two months at Okataha.
Q How long have you lived in the Indian Territory? A Three years.
Q Where did you live before that? A In Arkansas., Johnson County, Coal Hill.
Q How long did you live in Arkansas? A I was born and raised there.
Q Is your father living or dead? A He is dead.
Q Is your mother living or dead? A She is dead.
Q What was your father's name? A Robert F. Laster.
Q What was your mother's name? A Margaret B. Laster.
Q Through which parent do you claim Choctaw blood? A My mother.
Q How much do you claim? A One-sixteenth.
Q Has your mother ever been recognized in any way or enrolled as a Choctaw Indian by the Choctaw tribal authorities of the United States authorities in the Indian Territory? A No sir.
Q Are you married? A Yes sir.
Q What is your husband's name? A Andrew J. Snelsen.
Q Is he living? A Yes sir.
Q Is he a Choctaw Indian or a white man? A He is a white man.
Q Do you make any claim for him? A No sir.
Q How many children have you? A Seven.

- Q What is the name of the oldest under age and unmarried? A
 Army L. Snelsen.
- Q How old is he? A 14.
- Q What is the name of the next? A Robert M. Snelsen.
- Q How old is Robert? A 13.
- Q The next? A Grover Snelsen.
- Q How old is he? A 16 years old.
- Q The next? A Fay Snelsen.
- Q How old is Fay? A 8 years old.
- Q The next one? A Lawrence W. Snelsen.
- Q How old is he? A 6 years old.
- Q The next? A Rollin Page Snelsen.
- Q How old is he? A 3.
- Q The next? A Charley W. Snelsen.
- Q How old is Charley? A One year old.
- Q You claim for yourself and these children? A Yes sir.
- Q Is Andrew J. Snelsen the father of these children? A Yes sir.
- Q Are you and he living together as husband and wife and these children living with you at your home? A Yes sir.
- Q Were either you or your husband married before you married each other? A No sir.
- Q Is your name or the name of any of these children on any of the tribal rolls of the Choctaw Nation in the Indian Territory? A No sir.
- Q Have you ever made application for citizenship in the Choctaw Nation for yourself and children to the Choctaw tribal authorities in the Indian Territory? A No sir.
- Q Have you ever made application for yourself and children for citizenship in the Choctaw Nation to the Dawes Commission under the act of Congress of June 10, 1906? A No sir.
- Q Have you or your children ever been admitted to citizenship in the Choctaw Nation by either the Choctaw tribal authorities, the Commission to the Five Civilized Tribes, or the United States Court in the Indian Territory? A No sir.
- Q Do you now come before the Commission to identify yourself and these children as Mississippi Choctaws, claiming under article 14 of the treaty of 1830? A Yes sir.
- Q Is this the first application of any kind you have ever made for yourself and children for citizenship in the Choctaw Nation? A Yes sir.
- Q Do you understand article fourteen of the treaty of 1830? A Well, I have been told about it is all that I knew.
- Q Do you want it explained? A I do not know that it is necessary.

It reads as follows:

"ARTICLE XIV. Each Choctaw head of a family being desirous to remain and become a citizen of the states shall be permitted to do so by signifying his intention to the Agent within six months from the ratification of this treaty, and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land, to be bounded by sectional lines of survey; in like manner shall be entitled to one half that quantity for each unmarried child which is living with him over ten years of age, and a quarter section

to such child as may be under ten years of age, to adjoin the location of the parent. If they reside upon said lands intending to become citizens of the states for five years after the ratification of this treaty, in that case, a grant in fee simple shall issue; said reservation shall include the present improvement of the head of the family, or a portion of it. Persons who claim under this article shall not lose the privilege of a Choctaw citizen, but if they ever remove are not entitled to any portion of the Choctaw annuity."

- Q Do you know if any of your Choctaw ancestors complied or attempted to comply with article fourteen of that treaty? A I don't know anything about that.
- Q What is the name of your ancestor through whom you claim your right to be identified as a Mississippi Choctaw? A My grandfather, William T. Doolberry.
- Q What relation to you was he? A My grandfather.
- Q How much Choctaw blood did he have? A His father, - I don't know how much.
- Q Do you know what his wife's name was? A Lucy Hardgraves.
- Q A white woman? A Yes sir.
- Q Did William T. Doolberry live in the old Choctaw Nation in either Mississippi or Alabama in 1830? A I don't know.
- Q Where was he born? A I can't tell you.
- Q Where did he live most of his life? A In Johnson County, Arkansas.
- Q Do you know whether he was born in Arkansas? A No sir, he came out there December 24th, 1834.
- Q Where did he move from? A Virginia.
- Q He went to Arkansas from Virginia in 1834? A Yes sir.
- Q Can you give me the name of any Choctaw ancestor of yours who lived in Mississippi or Alabama? A I suppose his father did.
- Q Do you know? A No sir I can not say positively.
- Q What was his father's name? A Doolberry, Solomon Doolberry.
- Q Did Solomon Doolberry live in the old Choctaw Nation in Mississippi in 1830? A I can not say positively.
- Q What is your family history and tradition with reference to that; did you ever hear in the family by any member of the family that he lived there in 1830? A No sir.
- Q How old would he be if living now? A I don't know how old he would be.
- Q Can you tell me the name of his wife? A No sir.
- Q Can you give me the name of any of your Choctaw ancestors who lived in that old Choctaw Nation in 1830 who was the head of a family there then? A No sir, I can not.
- Q You never heard? A I don't have any recollection.
- Q Did any of your Choctaw ancestors own any land or claim any land in Mississippi or Alabama under article fourteen of the treaty of 1830? A I don't know.
- Q Did any of your Choctaw ancestors own any improvements on land in Mississippi or Alabama in the old Choctaw Nation in 1830? A I don't know.
- Q Did any of your Choctaw ancestors within six months from the ratification of the treaty of 1830 go to the United States Indian Agent, Colonel Ward, and tell him that they wanted to stay in Mississippi, take land there and become citizens of the states? A I don't know.

- 4
- Q Did any of your Choctaw ancestors claim any rights or benefits of any kind whatever under article fourteen of the treaty of 1830? A I don't know.

The Indians who stayed back in the old Choctaw Nation east of the Mississippi river after the treaty of 1830 was ratified were required if they wanted to take advantage of article 14 of that treaty to go to the United States Indian Agent, Colonel William Ward, within six months after the ratification of the treaty and tell him that they wanted to stay there, take land there and become citizens of the states; a great many Choctaw Indians did this whose names Colonel Ward neglected to put on his list known as "Ward's Register"; his failures to do this caused a great many Indians who held lands upon which they had improvements in the old Choctaw Nation to lose both their land and improvements; both being taken from them by the government and sold at its public land sales. This caused so many complaints among the Indians that in 1837 by an act of Congress approved March 3rd of that year, and also in 1842 by an act of Congress approved August 23rd of that year, Congress appointed a Commission; these commissions went to Mississippi and heard claimants under article fourteen of the treaty of 1830.

- Q Did any of your Choctaw ancestors go before either of these two Commissions and claim any benefits under that article fourteen of the treaty of 1830? A I don't know.
- Q Did any of your Choctaw ancestors receive any script from the government which entitled them to select land either in Mississippi, Alabama, Louisiana or Arkansas, to take the place of land they had one held in the old Choctaw Nation, which the government had taken from them and sold? A I do not know.
- Q Have you any relatives who have been before the Commission previous to this application made by you claiming a right to be identified as Mississippi Choctaws? A No sir.
- Q Do you speak the Choctaw language? A No sir.
- Q Is there anything further you want to say in support of this application? A Not that I know of.
- Q Have you any evidence that you want to present at this time? A Not now.

On motion of John London, counsel for applicant, and on the statement that applicant desires to take depositions and to take further testimony thirty days time is allowed from this date to introduce other proper evidence in support of this application.

This applicant has the appearance and physical characteristics of being descended from white parentage; black eyes; medium dark complexion; dark brown hair; does not understand the Choctaw language and has no knowledge on the part of their ancestors with any of the provisions of article fourteen of the treaty of 1830.

W H Martin being first duly sworn on oath states that as stenographer to the Commission to the Five Civilized Tribes he

recorded the above proceedings on the 11th day of June, 1903, and that the foregoing is a full, true and correct transcript of his stenographic notes in the same.

H. H. Martin

Subscribed and sworn to before me this 18th day of June, 1903.

Charles H. Sawyer

Notary Public.

M.C.R. 3804

John London,
Attorney at Law,
Poteau, Indian Territory.

Dear Sir:-

Enclosed please find a commission to take the deposition of George Burns, to be read in evidence in the matter of the application of Nancy P. Snelson for the identification of herself and minor children as Mississippi Choctaws, pending before the Commission to the Five Civilized Tribes. Attached to said commission are direct interrogatories, cross interrogatories, caption and certificate.

Upon receipt of these documents you will have same placed in the hands of an officer authorized by law to take depositions and immediately upon the completion of the taking thereof have them returned to this office, in order that the application in which they are to be filed, may be brought to a final determination.

Yours truly,

Acting Chairman

Enclosure
G.H. S

Muskogee, Indian Territory, August 16, 1908.

John Leland, Esq.,

Attorney at Law,

Poteau, Indian Territory.

Dear Sir:

The Commission is in receipt of your communication of the 12th inst., enclosing direct interrogatories to be propounded to Peter Howel and George Burns to be read in evidence in the matter of the application of Nancy F. Snelsen, et al., for identification as Mississippi Choctaws.

The proof of service of copies of these interrogatories upon Messrs. Mansfield, McMurray & Cerniah, Attorneys for the Choctaw and Chickasaw Nations, attached to the original interrogatories are in due form and these documents have been filed with and made a part of the record in the application of Nancy F. Snelsen, et al., and when the required time has elapsed for the filing of cross-interrogatories by the attorneys for the Choctaw and Chickasaw Nations, a commission will be issued for the taking of these depositions and the same will be forwarded to you to be placed in the hands of an officer authorized by law to take depositions.

Yours truly,

Acting Chairman

M.C.R. 5806

Muskogee, Indian Territory, August 30, 1902.

John London,
Attorney at Law,
Poteau, Indian Territory.

Dear Sir:-

Enclosed please find a commission to take the deposition of Peter Howel, to be read in evidence in the matter of the application of Nancy P. Snelson for the identification of herself and minor children as Mississippi Choctaws, pending before the Commission to the Five Civilized Tribes. Attached to said commission are direct interrogatories, cross-interrogatories, caption and certificate.

Upon receipt of these documents you will have same placed in the hands of an officer authorized by law to take depositions, and immediately upon the completion of the taking thereof have them returned to this office, in order that the application in which they are to be filed, may be brought to a final determination.

Yours truly,

Acting Chairman

Enclosure
G. M. 1

M.C.N. 5575
5808

Muskogee, Indian Territory, December 4, 1902.

M.M. Staley,

Ada, Indian Territory:

Dear Sir:

Receipt is hereby acknowledged of your letter of the 29th ultimo, in which you ask to be advised the present status of W.L. Hyton or Hyden, et al., versus Choctaw and Chickasaw Nations for citizenship. You state that this "claim was filed at Tuscahoma by W.L. Hyden, et al., in 1880-81 or '82 for citizenship in the Choctaw Nation." You also state that "from some cause said claim was never acted upon owing to the death of Hyden. This claim was reopened by Franklin Snelson and R.L.A. McPherson in 1902. They were the direct heirs of W.L. Hyton, et al. John London, who lives at Potomac, is attorney for the plaintiff."

In reply, you are informed that the records of the Commission do not show that any person by the name of Franklin Snelson is an applicant for enrollment as a citizen of either the Choctaw or Chickasaw Nation, or an applicant for identification as a Mississippi Choctaw.

The records of the Commission do show, however, that

H M R 2

Nancy F. Snelson, 37 years of age, residence Ottawa, Indian Territory; and Robert L.A. McPherson, age 40 years, residence Newton, Indian Territory, wife of James McPherson, are applicants to this Commission for the identification of themselves and minor children as Miss William Ghostawa, claiming descent from Salomon Doolahery, or Doolahery. John London appears as attorney of record for these applicants.

If the persons named in the applications above referred to are the ones of whom you inquire, you are informed that no opinion or decision has yet been reached in their cases.

Their applications are now being considered, and it is probable decisions will be rendered in the near future; when the applicants will be duly notified of the action of the Commission, and of the forwarding of the records to the Secretary of the Interior for review.

Respectfully,

Acting Chairman.

Muskogee, Indian Territory, January 20, 1903.

Nancy F. Snelson,

Oklahoma, Indian Territory.

Dear Madam:

You are hereby advised that on the 20th day of January, 1903, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Robert L.A. McPherson, et al., embracing the following applications for identification as Mississippi Choctaws:

Robert L.A. McPherson, et al.,	M.C.R. 5805
Nancy F. Snelson, et al.,	M.C.R. 5806

These applications were made under the provision of the act of Congress of June 28, 1898 (30 Stats., 495) which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto and make report to the Secretary of the Interior."

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Robert L.A. McPherson, Beulah B. McPherson, Garland W. McPherson, Vernon L. McPherson, Mamie McPherson, Essie McPherson, Maggie McPherson, Bryan McPherson, Guy McPherson, Nancy F. Snelson, Arvy L. Snelson, Robert E. Snelson, Grever Snelson, Jay Snelson, Lawrence W. Snelson, Rollin Page Snelson and Charley W. Snelson as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the application for their identification as such should be refused, and it is so ordered."

-2-

You are further advised that you will be allowed fifteen days from the date hereof within which to file arguments in this office, and that at the expiration of said time the papers in the case together with such arguments will be forwarded to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

CHIEF OF BUREAU

T. B. Headlee.

Commissioner in Charge.

Registered.

M. C. R. 5806.

COPY:

Muskogee, Indian Territory, November 3, 1903.

Nancy L. Snodden,

Oktaha, Indian Territory.

Dear Madam:

You are hereby notified that on the 22nd, day of October, 1903, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Robert L. A. McPherson, et al., of which decision you were advised by registered mail on the 20th, day of January, 1903.

Respectfully,

(SIGNED)

Tame Bixby
Chairman.

For Identification as a Mississippi Choctaw.

Date Dec. 21 1902

Name Nancy F. Snelson

Age 37 — Blood "16

Post-Office, Okataha, I. T.

Father: Robert F. Laster d

Mother: Margaret B. " d

Claims through mother —
husband.

Andrew J. Snelson, l. w.
No claim for husband

Children:

Arny L. Snelson, 14

Robert me " 12

Grover " 10

Fay " 8

Lawrence W. 6

^{Rollin}
~~Roland~~ Page " 3

Charley W. " 1

Claims for self
and 7 minor
children.

Stenographer H. H. Martin.

Choctaw MCR 5807

Maud Cain

See MCR 4006

MCR 5807

Department of the Interior,
Commission to the Five Civilized Tribes.
Muskogee, I. T., June 11, 1902.

#5807.

In the matter of the application of Maud Cain for the identification of herself and her two minor children, John Joseph and Ida May Cain, as Mississippi Choctaws.

J. G. Halls, Attorney for applicant.

Maud Cain being first duly sworn testifies as follows:

Examination by the Commission.

- Q What is your name? A Maud Cain.
Q What is your age? A 35 years old.
Q What is your post office address? A West, Mississippi.
Q How long have you lived at West, Mississippi? A About 5 years.
Q Where did you live before that? A At Vaiden, Mississippi.
Q How long did you live at Vaiden? A Nearly all my life, born there.
Q Is your father living? A No sir.
Q Is your mother living? A Yes sir.
Q What was your father's name? A Andy Williams.
Q What is your mother's name? A Mary E. Scottsboro.
Q You claim your Choctaw blood through which parent, father or mother? A My mother.
Q How much Choctaw blood do you claim? A One-thirtysecond.
Q Has your mother ever been enrolled or recognized as a Choctaw Indian by the Choctaw tribal authorities or the United States authorities in the Indian Territory? A No.
Q Are you married? A Yes sir.
Q What is your husband's name? A W. W. Cain.
Q Is he a Choctaw Indian or a white man? A He is supposed to be a white man.
Q Do you make any claim for him? A No sir.
Q Have you any children that you want to make application for under 21 years of age and unmarried? A Two.
Q What is the name of the eldest? A John Joseph Cain, 12 years old.
Q The next? A Ida May Cain, 11 years old.
Q Do you claim for yourself and these two children? A Yes sir.
Q Is your husband, W. W. Cain, the father of these children? A Yes sir.
Q You have never married before? A No sir.
Q Is your name on any of the Choctaw tribal rolls in the Indian Territory or the name of any of these children? A No.
Q Have you ever been recognized by the Choctaw tribal authorities as a Choctaw Indian? A No.
Q Do you have any other children to the same father and mother?

thorities in the Indian Territory? A No sir.

Q Have you ever made application for citizenship in the Choctaw Nation for yourself and children to the Commission to the Five Civilized Tribes under the act of Congress of June 10, 1896?

A No sir.

Q Have you and your children ever been admitted to citizenship in the Choctaw Nation by either the Choctaw tribal authorities, the Commission to the Five Civilized Tribes or the United States Court in the Indian Territory? A No sir.

Q Is this your first application of any kind for enrollment as a Choctaw Indian for yourself and children that you have made to any authority whatever? A Yes sir.

Q Do you now come before the Commission to be identified as a Mississippi Choctaw and to identify these children as Mississippi Choctaws, claiming under article fourteen of the treaty of 1830? A Yes sir.

Q Do you understand article fourteen of that treaty? A I have heard you read it enough to understand it; I think I understand it pretty well.

It reads as follows:

"ARTICLE XIV. Each Choctaw head of a family being desirous to remain and become a citizen of the states shall be permitted to do so by signifying his intention to the Agent within six months from the ratification of this treaty, and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land, to be bounded by sectional lines of survey; in like manner shall be entitled to one half that quantity for each unmarried child which is living with him over ten years of age, and a quarter section to such child as may be under ten years of age, to adjoin the location of the parent. If they reside upon said lands intending to become citizens of the states for five years after the ratification of this treaty, in that case, a grant in fee simple shall issue; said reservation shall include the present improvement of the head of the family or a portion of it. Persons who claim under this article shall not lose the privilege of a Choctaw citizen, but if they ever remove are not entitled to any portion of the Choctaw annuity."

Q Do you understand that article now pretty well? A Yes sir.

Q What is the name of your ancestor through whom you claim your right to be identified as a Mississippi Choctaw? A Elizabeth Braghears.

Q In what way are you related to her? A She is my great grandmother.

Q How much Choctaw blood did she have? A One fourth I believe.

Q What was her husband's name? A W. V. Dumas.

Q Did she live in the old Choctaw Nation in Mississippi or Alabama in 1830? A I don't know sir.

Q Do you know whether she ever lived in Mississippi or Alabama at any time? A I have heard them talk about her living in Alabama a good while.

Q Do you know what county? A No sir I don't know anything about it; I would not swear to anything of the kind.

Q Have you heard your mother say this? A Yes sir.

- Q Did you hear her say or hear anybody say that she lived in Mississippi or Alabama in 1830? A No sir.
- Q You do not know whether she had a family of children living there in the old Choctaw Nation in Mississippi or Alabama in 1830? A No sir.
- Q Did any of your Choctaw ancestors comply or attempt to comply with article fourteen of the treaty of 1830? A I do not know.
- Q Do you know whether Elizabeth Brashers or Dumas spoke the Choctaw language? A No sir.
- Q Did she have a Choctaw Indian name? A No sir, not that I know of.
- Q How old would she be if living at this time? A I don't know.
- Q A pretty old woman would she not? A Yes sir.
- Q You can not give the name of any Choctaw ancestor who lived in Mississippi or Alabama at any time? A No sir.
- Q Except you say that you have heard your mother say that Elizabeth Dumas lived in Alabama? A Yes sir.
- Q But do not know when? A No sir.
- Q Did any of your Choctaw ancestors own any land or claim any land in the old Choctaw Nation in Mississippi or Alabama under article fourteen of the treaty of 1830? A No sir I don't know.
- Q Did any of your Choctaw ancestors within six months after the ratification of the treaty of 1830 go to the United States Indian Agent, Colonel Ward, and tell him that they wanted to stay in Mississippi, take land there and become citizens of the states? A I do not know.
- Q Did any of your Choctaw ancestors own any improvements on land in the old Choctaw Nation in Mississippi or Alabama in 1830? A I don't know.
- Q Did any of your Choctaw ancestors go from that old Choctaw Nation east of the Mississippi river to the Choctaw Nation, Indian Territory with the other Indians between 1833 and 1838 or 1840? A I do not know.

By an act of Congress approved March 3rd, 1837, and by another act of Congress approved August 28rd, 1843, Commissions were appointed by Congress, which Commissions went to Mississippi and heard claimants under article fourteen of the treaty of 1830. The reason why these Commissions were appointed was because of the numerous complaints made by the Indians living in the old Choctaw Nation, refusing to go to the Choctaw Nation Indian Territory, who claimed they had gone to Colonel Ward, the United States Indian Agent within six months after the ratification of the treaty of 1830, and registered or attempted to register their names under article fourteen of that treaty, but that Colonel Ward neglected to put their names down on the list made by him, called "Ward's Register"; and this was true on the part of a great many Indians who attempted to register, for out of five or six thousand or perhaps more Indians who remained back in the old Choctaw Nation in Mississippi and Alabama, and many of whom probably registered or attempted to register under Colonel Ward, only 71 heads of families appeared upon his authenticated list, the list which he forwarded as his proper list to the Secretary of War. This neglect to put their names upon the proper authenticated list made by him of those who desired to register under article fourteen of the treaty of 1830, caused a great many Choctaw Indians who lived in the old

Choctaw Nation upon which they had improvements to lose both their lands and improvements; they were both taken from them by the government and sold at its public land sales. This caused a great number of complaints among the Indians, and as a result of those complaints these two Commissions were appointed.

- Q Do you know if any of your Choctaw ancestors appeared before the Commission of 1837 or the commission of 1842, and claimed any benefits under article fourteen of that treaty of 1830? A No sir, I don't.
- Q You claim one-thirtysecond Choctaw blood? A Yes sir.
- Q Have you brothers or sisters who have appeared before the Commission to be identified as Mississippi Choctaws? A Yes sir.
- Q None of them are as dark as you are, are they? A They are all about the same.
- Q But your mother is not as dark as you are? A No sir, we are all dark, all black eyes dark hair, and dark skin.
- Q What relation are you to Scott S. Dumas? A A second cousin.
- Q You have a great many other relatives besides your brothers and sisters who have appeared here claiming through the same common ancestor? A Yes sir.
- Q Would you like to have your case consolidated with the case of Scott S. Dumas and all other relatives who claim through the same common ancestor? A Yes sir.

The case of Scott S. Dumas, H. C. R. 4006, is here referred to for the purpose of consolidation.

- Q Do you speak or understand the Choctaw language? A No sir.
- Q Have you any evidence that you wish to introduce now? A No sir.

This applicant has the appearance and physical characteristics of being descended from white parentage except that she is dark; her complexion is very dark, her eyes black, her hair very dark, almost black; she impresses the Commission upon sight as having Indian blood, and in the opinion of the Commission she has at least the quantity she claims; she says it is Choctaw blood. She has no knowledge of the Choctaw language, and no knowledge of the compliance on the part of her ancestors with any of the provisions of article fourteen of the treaty of 1830.

W H Martin being first duly sworn on oath states that as stenographer to the Commission to the Five Civilized Tribes he recorded the above proceedings on the 11th day of June, 1903, and that the foregoing is a full, true and correct transcript of his stenographic notes in the same.

W. H. Martin

Subscribed and sworn to before me this 15th day of June, 1903.

Charles H. Sawyer

Notary Public.

Miss. Choctaw 8807
Miss. Choctaw 8790

Muskogee, Indian Territory, November 17, 1902.

J. G. Ralls,

Atoka, Indian Territory,

Dear Sir:

Receipt is hereby acknowledged of your letter of November 14, inclosing certified copy of marriage license and certificate between W. W. Cain and Maud Williams, which you offer in support of the application of Maud Cain et al. for identification as Mississippi Choctaws, and the same has been filed with the record in this case.

There was also inclosed with your letter of November 14, but not mentioned therein certified copy of marriage license and certificate between Menroe McClurg and Ida B. Williams which appears to have been offered in support of the application of Mary E. Carothers, et al. for identification as Mississippi Choctaws, and the same has been filed with the record in this case.

Respectfully,

Acting Chairman.

COMMISSIONERS
TAMM BIXBY,
THOMAS B. NEEDLES,
C. R. BRECKINRIDGE,
W. L. STANLEY

ALLISON L. AYLESWORTH,
SECRETARY

COPY.

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES

REFER IN REPLY TO THE FOLLOWING

M. C. R. 5807.

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES

MUSKOGEE, INDIAN TERRITORY, May 15, 1903

**Maud Cain,
West, Mississippi.**

You are hereby advised that on the 15th day of May, 1903, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Scott S. Dumas, et al., embracing the following applications for identification as Mississippi Choctaws:

Scott S. Dumas, et al.,	M. C. R. 4006
Miles G. Lantrip,	M. C. R. 4737
Mary P. Phillips, et al.,	M. C. R. 4738
Isom Lantrip,	M. C. R. 4739
William T. Brasher, et al.,	M. C. R. 4740
Andy Brasher, et al.,	M. C. R. 4741
Robert L. Brasher,	M. C. R. 4742
Albert Collums,	M. C. R. 4743
James S. Collums,	M. C. R. 4744
Thaddens W. Dumas,	M. C. R. 5737
Aurelius W. Dumas,	M. C. R. 5726
Alexander Dumas, et al.,	M. C. R. 6113
Sharkey H. Roth,	M. C. R. 5845
Mary E. Carothers, et al.,	M. C. R. 5700
Carrie McConico, et al.,	M. C. R. 5520
Bernard A. Williams, et al.,	M. C. R. 5144
Maud Cain, et al.,	M. C. R. 5807
Claude A. Grantham, et al.,	M. C. R. 5714
James J. Dumas, et al.,	M. C. R. 5717
Sydney L. Dumas,	M. C. R. 5803
Adella Caroline Hardin, et al.,	M. C. R. 5698
Lulu K. Smith, et al.,	M. C. R. 5699
Benjamin F. Dumas,	M. C. R. 4521
James D. Dumas, et al.,	M. C. R. 4524
Ennis Palmer, et al.,	M. C. R. 5857
Maud Terry, et al.,	M. C. R. 4525
Lottie McCoy,	M. C. R. 4522
Jane E. McCreary,	M. C. R. 4523
Mary C. L. Hollis, et al.,	M. C. R. 4222
William H. Hollis, et al.,	M. C. R. 4311
Lawrence W. Hollis, et al.,	M. C. R. 4310
Minnie H. Nicolds, et al.,	M. C. R. 4312
Mary C. McLeod, et al.,	M. C. R. 4313
Hattie E. Andrews, et al.,	M. C. R. 4314
Charlie T. Skinner, et al.,	M. C. R. 4315

Thomas H. Hollis,	M. C. R. 4309
Blanche G. Merchant,	M. C. R. 4223
Lawrence W. Dumas, et al.,	M. C. R. 5731
Mary A. Wade, et al.,	M. C. R. 5822
Willie P. Dumas, et al.,	M. C. R. 5810
John R. Dumas, et al.,	M. C. R. 5701
Carrie A. Wilkerson, et al.,	M. C. R. 5703
Maggie Ida Dumas,	M. C. R. 5702
William P. Mims,	M. C. R. 5985
Ransom E. Mims, et al.,	M. C. R. 5858
Frank E. Dumas,	M. C. R. 5732
Ben M. Dumas,	M. C. R. 5811
Edward W. Blakey, et al.,	M. C. R. 5425
Nannie Black, et al.,	M. C. R. 4185
Charles H. Black,	M. C. R. 4200
Ammon Wood, et al.,	M. C. R. 4202
Willie Wood,	M. C. R. 4203
Ellington Wood,	M. C. R. 4199
Edna Fry,	M. C. R. 4286
Robert B. Shipp, et al.,	M. C. R. 4285
Maria J. Crawford, et al.,	M. C. R. 4115
Majie J. Crawford Cole, et al.,	M. C. R. 4116
Elizabeth Baxter Caldwell, et al.,	M. C. R. 4114
Jennie B. H. Calhoun, et al.,	M. C. R. 4117
J. M. Crawford, et al.,	M. C. R. 4094
Robert H. Crawford,	M. C. R. 4164
Edna M. Folliard, et al.,	M. C. R. 4168
Everett B. Crawford, et al.,	M. C. R. 4165
Edwin R. Crawford,	M. C. R. 4077
Pinkie Creager, et al.,	M. C. R. 4169
Fannie Sharp, et al.,	M. C. R. 4433
George H. Gresham,	M. C. R. 4098
Oliver P. Gresham, et al.,	M. C. R. 4095
Robert O. Gresham, et al.,	M. C. R. 4201
Erma Biglow,	M. C. R. 4435
David E. Dumas,	M. C. R. 4651
DeBerry G. Dumas, et al.,	M. C. R. 4119
Birdie D. Carlet, et al.,	M. C. R. 4123
Mack O. Dumas,	M. C. R. 4658
Susan M. Hendricks,	M. C. R. 4121
Onia Ann Stephens, et al.,	M. C. R. 4096
Jackson E. Hendricks, Jr., et al.,	M. C. R. 4126
Mary H. Decker, et al.,	M. C. R. 4129
Helen Martin, et al.,	M. C. R. 4097
John W. Dumas,	M. C. R. 5012
Ada B. Ewing, et al.,	M. C. R. 4284
Minnie P. Dumas,	M. C. R. 5011
Malinda Blanks, et al.,	M. C. R. 4118
William C. Blanks, et al.,	M. C. R. 4135
Robert E. Blanks, et al.,	M. C. R. 4139
Nora E. Binford,	M. C. R. 4125
Birdie A. Wilson, et al.,	M. C. R. 4134
Albert G. Dumas, et al.,	M. C. R. 4631
Roxanna Freeman, et al.,	M. C. R. 4850
Arizona Elizabeth Daniels, et al.,	M. C. R. 4633
Dixie Dumas Connolly, et al.,	M. C. R. 4632
Maude Florence Clark, et al.,	M. C. R. 5713
May L. Brown,	M. C. R. 5725

Murat Dumas, et al.,	M. C. R. 5715
Lula A. Dumas,	M. C. R. 5716
Lena Fulton, et al.,	M. C. R. 4144
Lauren Scott Cannon, et al.,	M. C. R. 4145
Eula Umphress, et al.,	M. C. R. 4146
Pearl Barron, et al.,	M. C. R. 4147
James W. Wheat, et al.,	M. C. R. 4695
Ivy A. Fowler,	M. C. R. 4696
Dan H. Dumas, et al.,	M. C. R. 3766
Eula D. Shivel,	M. C. R. 4075
Walter W. Dumas,	M. C. R. 4015
James P. Dumas,	M. C. R. 3503
Travis M. Dumas, et al.,	M. C. R. 4007
Verna J. Dumas, et al.,	M. C. R. 4140
Laura D. Cole, et al.,	M. C. R. 4141
Victoria J. Pierce, et al.,	M. C. R. 4066
Lee W. T. Herman,	M. C. R. 4254
Annie B. Wallace, et al.,	M. C. R. 4250
Louis Dumas, et al.,	M. C. R. 4014
Belle Leslie, et al.,	M. C. R. 4067
John F. Sanders, et al.,	M. C. R. 5445
Nancy J. Whorton, et al.,	M. C. R. 5446
James L. Sander,	M. C. R. 5560
Julia A. Wells,	M. C. R. 5559
Emsley M. Sanders, et al.,	M. C. R. 5804
Cora C. Bond, et al.,	M. C. R. 4620
Margaret K. Aston, et al.,	M. C. R. 4562
Mary Jane Damron, et al.,	M. C. R. 5805
William E. Aston, et al.,	M. C. R. 4583
Vic Damron, et al.,	M. C. R. 4619
Cynthia Jane Dicken, et al.,	M. C. R. 4582
William T. Sanders, et al.,	M. C. R. 5444
James P. Sanders, et al.,	M. C. R. 4069
Missieniah Ellison, et al.,	M. C. R. 4154
Lillie Page, et al.,	M. C. R. 4155
Walter H. Thompson,	M. C. R. 4142
Jeff D. Thompson, et al.,	M. C. R. 4016
Mary A. Ferguson, et al.,	M. C. R. 4772
Vergie J. Powers, et al.,	M. C. R. 4773
Willie E. Ferguson, et al.,	M. C. R. 4774
Alonzo A. Ferguson,	M. C. R. 4775
Sue A. Thompson, et al.,	M. C. R. 4389
Ada Thompson,	M. C. R. 4076
Emma C. Canon, et al.,	M. C. R. 8414
Winnie D. Canon,	M. C. R. 3415
Delmer Canon,	M. C. R. 3761
George Thompson, et al.,	M. C. R. 3756
George Homer Thompson,	M. C. R. 3757
Ida Sandford,	M. C. R. 3759
Lula Thompson Noe, et al.,	M. C. R. 3760
Verner L. Dumas,	M. C. R. 5719
James Don Dumas, et al.,	M. C. R. 5720
Claude E. Dumas, et al.,	M. C. R. 5721
Missie E. Biggerstaff, et al.,	M. C. R. 5722
Nettie A. Woolverton,	M. C. R. 6185
Elizabeth Wood,	M. C. R. 6268
Eula P. Niswander, et al.,	M. C. R. 6842
Lawrence L. Thompson, et al.,	M. C. R. 6373

These applications were made under the provision of the act of Congress of June 28, 1898 (30 Stats., 495), which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto, and make report to the Secretary of the Interior."

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Scott S. Dumas, Ruth Dumas, Miles G. Lantrip, Mary P. Phillips, Early E. Phillips, Esther E. Phillips, Maud E. Phillips, Leo R. Phillips, Myrtle Phillips, Leland Phillips, Dorelle Phillips, Rex Phillips, Isom Lantrip, William T. Brasher, Malt Brasher, Vaudy Brasher, Cordy Brasher, Andy Brasher, Ada Brasher, William C. Brasher, Robert L. Brasher, Albert Collums, James S. Collums, Thaddeus W. Dumas, Aurelius W. Dumas, Alexander Dumas, Dixie M. Dumas, Melville Sidney Dumas, Charles I. Dumas, Sharkey H. Roth, Mary E. Carothers, Ida Blanche McClurg, Susie May McClurg, Ada Maud McClurg, Monroe McClurg, Carrie McConico, Nannie May Mobley, Henry Pope Mobley, Willie McConico, Bernard A. Williams, Marcella Williams, John Williams, Vernie Williams, Maud Williams, Hattie Williams, Maud Cain, John Joseph Cain, Ida May Cain, Claude A. Grantham, Claudia May Grantham, James J. Dumas, Lawrence Dumas, Sydney L. Dumas, Adella Caroline Hardin, Ollie Caroline Hardin, Clyde Abraham Hardin, Lula K. Smith, Opal Smith, Benjamin F. Dumas, James D. Dumas, Abbie A. Dumas, James H. Dumas, Gladys Dumas, Benjamin Dumas, Ennis Palmer, Edgar Palmer, Erbert Palmer, Maud Terry, Moina Terry, Dumas Terry, Millwee Terry, Lottie McCoy, Jane E. McCreary, Mary C. L. Hollis, Linnie L. Hollis, William H. Hollis, William H. Hollis, Jr., Lawrence W. Hollis, Eva M. Hollis, Lawrence W. Hollis, Jr., Beatrice M. Hollis, Scott W. Hollis, Minnie H. Nicolds, Richard Nicolds, Hollis Nicolds, Kate Nicolds, Edward Nicolds, Minnie Nicolds, Mary C. McLeod, Mary L. McLeod, Hattie E. Andrews, Max R. Andrews, Jr., Hattie E. Andrews (2), Charlie T. Skinner, Blanche L. Skinner, Thomas H. Hollis, Blanche G. Merchant, Lawrence W. Dumas, Mallie T. Dumas, Annie C. Dumas, Katie L. Dumas, Janie S. Dumas, Lawrence W. Dumas, Jr., Mary A. Wade, Edgar D. Wade, Glennan A. Wade, Willie P. Dumas, Jennie W. Dumas, Clark G. Dumas, Faris Dumas, John R. Dumas, Walter A. Dumas, Justin R. Dumas, Carrie A. Wilkerson, James A. Wilkerson, Walter D. Wilkerson, Maggie Ida Dumas, William P. Mims, Ransom E. Mims, Oscar M. Mims, William T. Mims, Frank E. Dumas, Ben M. Dumas, Edward W. Blakey, Edna Blakey, John Blakey, Nannie Black, Catherine Black, Charles H. Black, Ammon Wood, Willie A. Wood, Leslie B. Wood, Willie Wood, Ellington Wood, Edna Fry, Robert B. Shipp, Ruby B. Shipp, Maria J. Crawford, Lucille Crawford, Ghent Crawford, Ed S. Crawford, Jr., Jodie F. Crawford, Majie J. Crawford Cole, Jewel I. Cole, James A. Cole, Susie M. Cole, Christine Cole, Majie Douglass Cole, Elizabeth Baxter Caldwell, Mabel E. Caldwell, Jodie Lee Caldwell, Jennie B. H. Calhoun, Owen H. Calhoun, Edwin C. Calhoun, J. M. Crawford, Edwin Dickey Crawford, Hattie May Crawford, James M. Crawford, Jr., Ellen Lee Crawford, Robert H. Crawford, Edna M. Folliard, Crawford J. Folliard, Aileen Folliard, Cecil H. Folliard, William Richard Folliard, Everett B. Crawford, Everett B. Crawford, Jr., Edwin B. Crawford, Pinkie Creager, Margaret E. Creager, Fannie Sharp, Dan M. Sharp, Charlotte Jane Sharp, George H. Gresham, Oliver P. Gresham, Lizzie D. Gresham, Frances Margret Gresham, Robert O. Gresham, Hill Campbell Gresham, Erma Biglow, David E. Dumas, DeBerry G. Dumas, Walter A. Dumas, Birdie D. Carlet, Glenna W. Carlet, Helen C. Carlet, Mack O. Dumas, Susan M. Hendricks, Onia Ann Stephens, Leno A. Stephens, Harold Richard Stephens, Louise Stephens, Vernon Stephens, Charles Edwin Stephens, Jr., Jackson E. Hendricks, Jr., Hallie H. Hendricks, Ruth Hendricks, Rubie Hendricks, Mary H. Docker, William H. Docker, Jr., Susan H. Decker, Helen Martin, Vera Martin, Alma Martin, Samuel Martin, John W. Dumas, Ada B. Ewing, Freda Ewing, Mabel Ewing, Minnie P. Dumas, Malinda Blanks, Arthur Blanks, William C. Blanks, Ruth J. Blanks, Mary G. Blanks, Robert E. Blanks, Robert E. Blanks, Jr., Nora E. Binford, Birdie A. Wilson, John H. Wilson, Albert G. Dumas, Arline Dumas, Lisle Dumas, Dixie D. Dumas, Roxanna Freeman, William Clyde Freeman, Arizona Elizabeth Daniels, Stafford Livonia Daniels, Dixie Dumas Connolly, Sybil Connolly, Frank C. Connolly, Maude Florence Clark, Irene L. Clark, May L. Brown, Murat Dumas, Eugene Dumas, Lula A. Dumas, Lena Fulton, J. Harold Fulton, Clifford C. Fulton, Lauren Scott Cannon, Josiah R. Cannon, Kathleen Cannon, Eula Umphress, Carl C. Umphress, Helen M. Umphress, Pearl Barron, Guyon Elizabeth Barron, James W. Wheat, Dumas Wheat, Ivy A. Fowler, Dan H. Dumas, Harriet Pinkey Dumas, Eula D. Shivel, Walter W. Dumas, James P. Dumas, Travis M. Dumas, Lige F. Dumas,

Verna J. Dumas, Hazel A. Dumas, Laura D. Cole, Dorothy Cole, Victoria J. Pierce, Louis Pierce, Arthur Pierce, Lee W. T. Herman, Annie B. Wallace, Gladys Wallace, Marvin Wallace, Hortense Wallace, Ferrol Wallace, Louis Dumas, Ward Lamon Dumas, Fred Dumas, Mary A. E. Dumas, Belle Leslie, Geyline Leshe, Mae D. Leslie, Lloyd Leslie, Karl Leslie, John F. Sanders, Robert D. Sanders, Cynthia Beatrice Sanders, Turner Lee Sanders, Nancy J. Whorton, Mabel Whorton, James L. Sanders, Julia A. Wells, Emsley M. Sanders, Dottie Sanders, Cora C. Bond, Callie Bond, Ray M. Bond, Clede Bond, Margaret K. Aston, Belya Lockwood Aston, Mary Jane Damron, Emma J. Damron, Claud M. Damron, Maud Damron, Lila C. Damron, Walter W. Damron, Minnie Damron, Mamie Damron, Joseph Scott Damron, William E. Aston, Eula M. Aston, Verna D. Aston, Texanna Aston, Willie Eunice Aston, Lonie H. Aston, William Edward Aston, Jr., Vic Damron, Clara Bell Damron, Hugh Ella Damron, Jimmie Otha Damron, Nora May Damron, Willie Monroe Damron, Cynthia Jane Dicken, John R. Ferguson, William T. Sanders, Louis Burke Sanders, Wilda D. Sanders, James P. Sanders, Nellie Sanders, Cora Sanders, Olive Sanders, Missienah Ellison, Leza Nichols, Alma Ellison, Lillie Page, Marie Page, Catharine Page, Walter H. Thompson, Jeff D. Thompson, Clarence E. Thompson, James A. Thompson, Willie L. Thompson, Madeline F. Thompson, Gracie L. Thompson, Elsie Thompson, Mary L. Thompson, Minnie L. Thompson, Essie B. Thompson, Myrtle Thompson, John L. Thompson, Mary A. Ferguson, Julia A. Ferguson, Jeff Ferguson, Scotty S. Ferguson, Georgie B. Ferguson, Lovard E. Ferguson, Vergie J. Powers, Murray Powers, Maybell Powers, Willie E. Ferguson, Vergie B. Ferguson, Frank G. Ferguson, Alonzo A. Ferguson, Sue A. Thompson, May Thompson, Ada Thompson, Emma C. Canon, Emsley J. Canon, Alexander Canon, Tullie Clyde Canon, Winnie D. Canon, Delmer Canon, George Thompson, Charlie W. Thompson, Luther Bell Thompson, Mary Gertrude Thompson, George Homer Thompson, Ida Sanford, Lula Thompson Noe, Chester William Noe, Verner L. Dumas, James Don Dumas, Ella May Dumas, Claude E. Dumas, Jim Dumas, Missie E. Biggerstaff, Dora Biggerstaff, John M. Biggerstaff, Winnie Biggerstaff, Gladys Biggerstaff, Nettie A. Woolverton, Elizabeth Wood, Eula P. Niswander, Mildred Niswander, Lawrence L. Thompson, Mildred Bell Thompson, Lawrence L. Thompson, Jr., Cornelia Elizabeth Thompson and Willie Thompson as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the applications for their identification as such should be refused, and it is so ordered."

You are further advised that you will be allowed fifteen days from the date hereof within which to file arguments in this office, and that at the expiration of said time the papers in the case, together with such arguments will be forwarded to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

(SIGNED),

James Diney

Chairman.

Registered.

MOR-5807

Muskogee, Indian Territory, January 24, 1905.

Maud Cain,

West, Mississippi.

Dear Madam:

You are hereby notified that the Secretary of the Interior, on January 5, 1906, affirmed the decision of the Commission to the Five Civilized Tribes of May 15, 1903, refusing the applications of the several persons included in the consolidated Mississippi Choctaw case of Scott S. Dumas, et al., of which the application for the identification of yourself and minor children, John Joseph and Ida May Cain, as Mississippi Choctaws, is a part.

Respectfully,

SIGNED *Tamm Carty*

Commissioner.

For Identification as a Mississippi Choctaw.

Date

JUN 11 1902

Name Maud Cain.

Age 35

Blood $\frac{1}{32}$.

Post-Office, West, Miss.

Father: Andy Williams, d.

Mother: Mary E. Carothers, l.

Claims through mother —
Husband.

W. W. Cain, l. w.

No claim for husband

Children:

John Joseph Cain 12

Ida May " 11

Claims for self &
& children

Stenographer

W. H. Martin

Received of the Commission to the Five Civilized Tribes one
copy of the testimony of Maud Cain in the matter of her application
for identification of herself and children as Mississippi Choctaws,
M.C. 5807.

Dated at Muskogee, Indian
Territory, June 30, 1902.

J. G. Ralls

Choctaw MCR 5808

Robert Williams

See MCR 6153

MCR 5808

Department of the Interior,
Commission to the Five Civilized Tribes.
Washoe, I. T., June 12, 1902.

factos.

In the matter of the application of Robert Williams for the identification of himself and his two minor children, Bessie Williams and Gland Williams, as Mississippi Choctaws.

Robert Williams being first duly sworn testifies as follows:

Examination by the Commission.

- Q What is your name? A Robert Williams.
Q What is your age? A 29.
Q What is your post office address? A Marvin, Oklahoma.
Q How long have you lived at Marvin? A Right at five years.
Q Where before that? A In the Chickasaw Nation.
Q Before that? A In Texas.
Q How long did you live in the Chickasaw Nation altogether? A Right at five years.
Q Were you born in Texas? A I can not say.
Q Can you tell where you were born? A My father says in Texas.
Q How many years did you live in Texas before you left there? A I declare I can't tell you.
Q Is your father living? A Yes sir.
Q Is your mother living? A Yes sir.
Q What is your father's name? A James A. J. Williams.
Q Has he been before the Commission to be identified as a Mississippi Choctaw? A Yes sir.
Q Is this the man here? A Yes sir.
Q When did he come before the Commission & you remember? A I do not know just when, a few weeks ago.
Q What is your mother's name? A Henrietta Williams.
Q You claim through your father? A Yes sir.
Q How much Choctaw blood do you claim? A I don't know.
Q Has your father ever been enrolled or recognized as a Choctaw Indian by the Choctaw tribal authorities or the United States authorities in the Indian Territory? A No sir.
Q Do you know when and where your father and mother were married? A In Mississippi is what they told me.
Q Where in Mississippi? A A I don't remember just where.
Q Do you remember the day of the month and the year? A No sir.
Q Were they married by a Minister under a license? A I don't know.
Q Have you the proof of that marriage with you now? A Yes sir, of my marriage.
Q Of your father's and mother's marriage? A I have an affidavit, its down in the wagon.
Q You can file it? A Yes sir.
Q You will have to send it to the Commission by letter of transmittal? A It is right out here at the wagon.
Q Are you married? A Yes sir.

- Q What is your wife's name? A Mary Ann Williams.
- Q Is she living? A Yes sir.
- Q Is she a white woman or Choctaw? A A White woman.
- Q You don't make any claim for her as a Choctaw? A No sir, I guess not unless by marriage.
- Q There is no such law, and it will do you no good to make the application, as there is no law by which a person can be identified as a Mississippi Choctaw by marriage? A Then I don't want to make any application for her if there ain't any such law.
- Q Have you any children that you want to make application for? A Yes sir, two.
- Q What is the name of the oldest? A Bessie Williams.
- Q How old is Bessie? A 4 Years old.
- Q What is the name of the next child? A Claud Williams.
- Q A boy? A Yes sir.
- Q How old is he? A He was two years old the seventh of April.
- Q You claim for yourself and these children? A Yes sir.
- Q Is Mary Ann Williams the mother of these children? A Yes sir.
- Q Is she living with you and are your children living with you at your home? A Yes sir.
- Q Were you or she ever married previous to your marriage to each other? A No sir.
- Q When and where were you married to your wife? A Near Barnett, Oklahoma Territory.
- Q When were you married to her? A January 31, 1897.
- Q Have you the proof of that marriage with you now? A Yes sir, (Presents a paper)
- Q This is the original certificate is it? A I don't know what you mean by that.
- Q It is is the original signed by the Justice? A Yes sir.

The original certificate of marriage between Robert Williams and Mary Ann Pinkston presented by this applicant, received, filed, marked "Exhibit A", and made a part of the records in this case.

- Q Is your name on any of the tribal rolls of the Choctaw Nation in the Indian Territory? A No sir.
- Q Have you ever been recognized as a Choctaw Indian by the Choctaw tribal authorities? A No sir.
- Q Have you ever made application for citizenship in the Choctaw Nation to the Choctaw tribal authorities in the Indian Territory? A No sir.
- Q Have you ever made application for citizenship in the Choctaw Nation for yourself and children to the Commission to the Five Civilized Tribes under the act of Congress of June, 10, 1897? A No sir.
- Q Have you ever been admitted to citizenship in the Choctaw Nation by the Choctaw tribal authorities, the Commission to the Five Civilized Tribes or the United States Court in the Indian Territory? A No sir.
- Q Is this the first application you have ever made for citizenship in the Choctaw Nation to any authority whatever, either to the Choctaw tribal authorities or the United States authorities in the Indian Territory? A Yes sir.
- Q Do you now come before the Commission to identify yourself and these children as Mississippi Choctaws? A Yes sir.

- Q Do you claim under article fourteen of the treaty of 1830?
 A I don't understand what you mean by that.
 Q Do you understand anything about the treaty of 1830? A No sir
 I don't.

In the year 1830 all of the Choctaw Indians were living in that old Choctaw Nation east of the Mississippi river, partly in Mississippi, and partly in Alabama; it was the desire of the government to remove all of those Indians from that old Choctaw Nation to the Choctaw Nation, Indian Territory; they could not remove them without their consent, so they made a treaty; and a treaty is an agreement in writing between Nations, and the members of the Choctaw tribe signed it through their representatives. In this treaty they consented to go, all but six or seven thousand of them. It became known before the treaty was signed at this place in Mississippi, called Dancing Rabbit Creek, that a good many of the Choctaw Indians would not go from that old Choctaw Nation to the Choctaw Nation in the Indian Territory under the treaty, and in order to protect the interests of those Indians who wanted to stay back there in the old Choctaw Nation article fourteen was drawn up and put into the treaty of 1830. This article was put into the treaty for the especial purpose to protect the Choctaw Indians who remained in the old Choctaw Nation, and it reads as follows:

"ARTICLE XIV. Each Choctaw head of a family being desirous to remain and become a citizen of the states shall be permitted to do so by signifying his intention to the Agent within six months from the ratification of this treaty, and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land, to be bounded by sectional lines of survey; in like manner shall be entitled to one half that quantity for each unmarried child which is living with him over ten years of age, and a quarter section to such child as may be under ten years of age, to adjoin the location of the parent. If they reside upon said lands intending to become citizens of the states for five years after the ratification of this treaty, in that case, a grant in fee simple shall issue; said reservation shall include the present improvement of the head of the family, or a portion of it. Persons who claim under this article shall not lose the privilege of a Choctaw citizen, but if they ever remove are not entitled to any portion of the Choctaw annuity."

- Q Now do you think you understand that well enough to claim under it? A Yes sir, of course I claim under it.
 Q Do you understand that it was to protect the interests of the Choctaw Indians who stayed back in the old Choctaw Nation that that article was put into the treaty? A I don't understand that part of it.
 Q You do not understand it well enough to claim under it do you? (No response)
 Q Those Indians who stayed back there had to go to Colonel Ward, the United States Indian Agent, within six months from the ratification of the treaty, and tell him that they wanted to stay in Mississippi, take land there and become citizens of the states; that they did not intend to go to the Choctaw Nation Indian Territory, you understand that don't you? A Yes.
 Q That they wanted to stay there and were going to stay there,

- you certainly understand that don't you? A I claim a right to the Choctaw, that is the Mississippi tribe.
- Q You understand that article of the treaty well enough to claim under it don't you? A Yes, I believe I do.
- Q What is the name of your ancestor through whom you claim your right to be identified as a Mississippi Choctaw, I mean by ancestor what is the name of your grandfather, great grandfather, grandmother, great grandmother? A I can't remember. But I claim kin to Mrs Sessums.
- Q You will have to give the full names? A W. R. Sessums.
- Q What relation is he to you? A A third cousin of mine.
- Q He has been before the Commission has he not? A Yes sir.
- Q You can not claim your Choctaw blood through your third cousin; you can not claim your Choctaw blood except in a direct line of ancestry going back through your father or mother. What was your father's father's name? A John Williams.
- Q Do you know whether he claimed through his father or mother? A Through his mother.
- Q That is your grand father, your great grandfather, what is his name? A John Williams, he was my grandfather.
- Q You claim through him? A I reckon that is what they do.
- Q Your grandfather, John Williams, how much Choctaw blood did your grandfather have? A I can not remember; I have heard them talking, but I don't remember.
- Q Did he live in the old Choctaw Nation in Mississippi or Alabama? A I can't remember.
- Q How old would he be if living now? A I can't remember.
- Q Did he have a Choctaw name? A I can't remember.
- Q Can you give the name of any Choctaw ancestor of yours who lived in the old Choctaw Nation in Mississippi or Alabama in 1830, and was the head of a family there then? A No, I don't believe I can.
- Q How do you know then that you are descended from a Mississippi Choctaw who live in Mississippi or Alabama in 1830? A What's what my father says, and he put in application.
- Q Did you ever hear him say whether he lived in Mississippi or Alabama? A I don't believe I have.
- Q Your father's name is James Williams, and he has made application here, and you rely upon what he says in his case I suppose? A Yes sir.
- Q How are you related to W. R. Sessums, I wish you would trace that a little? You say you are a third cousin? A My father was a second cousin.
- Q Who was the first cousin of his? A I don't remember none of them.
- Q Can't give the relationship? A No sir.
- Q Did your father ever live in Mississippi or Alabama? A In Mississippi, you sir.
- Q Was he born there? A I can't say.
- Q Where in Mississippi did your father live? A I don't know where he lived.
- Q Is he the only ancestor that you know in a direct line back that lived in Mississippi? A Yes sir.
- Q Don't know anything about where his father lived? A No sir.
- Q Your mother must have live in Mississippi? A Yes sir.
- Q Do you know whether your father was born there or not? A No sir.
- Q Did any of your Choctaw ancestors own any land or claim any land in the old Choctaw Nation in Mississippi or Alabama under article fourteen of the treaty of 1830? A Not that I know of.
- Q Did any of your Choctaw ancestors own any improvements on land

- in the old Choctaw Nation in 1830? A I don't know.
- Q Did any of your Choctaw ancestors within six months after the ratification of the treaty of 1830 go to the United States Indian Agent, Colonel William Ward, and tell him that they wanted to stay in Mississippi, take land there, and become citizens of the states? A I do not know.
- Q Did any of them go from that old Choctaw Nation east of the Mississippi river to the Choctaw Nation, Indian Territory, with the other Indians between 1833 and 1838 or 1840? A I don't know.

The Indians who stayed back there in the old Choctaw Nation east of the Mississippi river under article fourteen of the treaty of 1830 were required if they wanted to take advantage of that article to go to United States Indian Agent within six months after the ratification of the treaty, and tell him that they wanted to stay in Mississippi, take land there, and become citizens of the states. A great many Choctaw Indians did this whose names Colonel Ward neglected to put upon his list, known as "Ward's Register"; his neglect to place their names upon his list caused a great many Indians who had lands upon which they had improvements in the old Choctaw Nation, to lose both their lands and improvements, both being taken from them by the government and sold at its public land sales. This caused so many complaints among the Indians that in 1837 by an act of Congress approved March 3rd of that year a Commission was appointed; this Commission went to Mississippi and heard claimants under article fourteen of the treaty of 1830; in 1848 Congress appointed another Commission under an act of Congress approved August 23rd of that year, this Commission also went to Mississippi and heard claimants under article fourteen of the treaty of 1830.

- Q Do you know whether any of your Choctaw ancestors went before either of these two Commissions and claimed any benefits under article fourteen of the treaty of 1830? A I don't know.
- Q Do you know the name of John Williams's wife, your grandmother? Jennettie, I think.
- Q Was she a white woman? A Yes sir.
- Q You do not know whether John Williams and his wife lived in the old Choctaw Nation in Mississippi in 1830 and were the head of a family there then? A I don't know.
- Q And do not know how old they would be if living now? A No sir.
- Q Did any of your Choctaw ancestors receive any script from the government which entitled them to select land in Mississippi, Alabama, Louisiana or Arkansas to take the place of land they had one held in the old Choctaw Nation, and which the government has taken from them and sold? Q I don't know.
- Q Have you any other evidence that you want to present now in support of this application? A No, only on my father's side; he has put in application and we want to come in under him.
- Q You want your case consolidated with W. R. Sessums and also your father's case and other relatives claiming through the same common ancestor? A Yes sir.
- Q Your father made his application under the name of James A. J. Williams to be identified as a Mississippi Choctaw? A Yes sir.
- Q On May 15, 1902, before the Commission at Muskogee? I Yes.

- Q You claim through the same common ancestor that William, William J., and Thomas R. and John Sessums claim? A Yes sir.

The consolidated case of John Sessums, et al., D.C. R 184, in which a decision was rendered adversely to applicants June 4, 1902, and was forwarded to the Department of the Interior for final review of the case June 6, 1902; this applicant claims through the same common ancestor as the said John Sessums and others in that consolidated case.

- Q Do you want to give the name of your father as James Williams or James A. J. Williams? A James A. Williams or James A. J. Williams is his name; I want to give it just like he gave it.
Q James A. J. Williams is his proper name? A Yes sir.

The case of James A. J. Williams, which he made for the identification of himself and four minor children as Mississippi Choctaws at Muskogee, Indian Territory, May 15, 1902, D. C. R 5571, is here referred to for the purpose of consolidation.

- Q Did you ever hear the name of your great grandmother? A I don't believe I did.
Q Never heard that her name was Polly? A No, I don't remember.
Q Do you know whom Polly married? A No sir.
Q Did you ever hear of Neal Williams? A No.
Q Did you ever hear the name of Penny Fisher? A Yes I have heard that.
Q Who was she? A I don't know, same relation to my father is all.
Q What relation? A I don't remember.
Q Can you tell in what way you are related to John Sessums? A No.
Q In what way are you related to W R Sessums? A He is my third cousin.
Q But you can not trace that relationship can you? A No, I don't know that far back.
Q Do you speak the Choctaw language? A No sir.
Q Is there anything further that you want to say now in support of this claim? A No sir.
Q Have you any other evidence that you want to present now? A No, I am coming in under my father, and he will produce the evidence that is all I want to produce.

This applicant has the appearance and physical characteristics of being descended from white parentage; blue eyes, his hair is dark brown; his mustache is light brown; his complexion is dark now, but is tanned by the sun; he has no knowledge of the Choctaw language, and no knowledge of the compliance on the part of his ancestors with any of the provisions of article fourteen of the treaty of 1830.

W. H. Martin being first duly sworn on his oath states that as stenographer to the Commission to the Five Civilized Tribes

he recorded the above proceedings on the 18th day of June, 1902,
and that the within and foregoing is a full, true and correct
transcript of his stenographic notes in the same.

W. H. Martin

Subscribed and sworn to before me this 18th day of June, 1902.

Charles H. Sawyer

Notary Public

COPY.

M.C.R. 5808.

Muskogee, Indian Territory, February 11, 1903.

Robert Williams,
Marvin, Oklahoma.

Dear Sir:

You are hereby advised that on the 11th day of February, 1903, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Dicie V. Wren, et al., embracing the following applications for identification as Mississippi Choctaws:

Dicie V. Wren, et al.,	M.C.R. 6183,
John Wren,	M.C.R. 6154,
Robert Williams, et al.,	M.C.R. 5808,
Nannie Butler, et al.,	M.C.R. 5814,
Russa Bogges, et al.,	M.C.R. 5813,
John Williams, et al.,	M.C.R. 5812,
Millie Bogges, et al.,	M.C.R. 5815.

These applications were made under the provision of the Act of Congress of June 28, 1898 (30 Stats., 495), which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses, and perform all other acts necessary thereto, and make report to the Secretary of the Interior."

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Dicie V. Wren, Alvin L. Wren, Melvina Wren, John Wren, Robert Williams, Bessie Williams, Claud Williams, Nannie Butler, Carrie Lee Butler, Willie C. Butler, William L. Butler, Russa Bogges, Beulah Bogges, Alvin W. Bogges, John Williams, Clarence Williams, Millie Bogges and Rosie Bogges, as Choctaw Indians entitled to rights in the Choctaw

R. V. # 2.

law lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the applications for their identification as such should be refused, and it is so ordered."

You are further advised that you will be allowed fifteen days from the date hereof within which to file arguments in this office, and that at the expiration of said time the papers in the case, together with such arguments, will be forwarded to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

(SIGNED).

Tame Dixby.

Acting Chairman.

Registered.

M. C. R. 5803.

COPY.

Muskogee, Indian Territory, July 16, 1903.

Robert Williams,

Marvin, Oklahoma.

Dear Sir:-

You are hereby notified that on the 25th day of May, 1903, the secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Dicie V. Wren et al., of which decision you were advised by registered mail on the 11th day of February, 1903.

Respectfully,

(SIGNED)

T. B. Needles.

Commissioner in Charge.

No. 5608

For Identification as a Mississippi Choctaw.

JUN 1907

Date

~~JUN 12 1907~~

Name Robert Williams

Age 29 Blood desc. known of Chl

Post-Office, Marvin ~~Ind.~~

Father: Jamie^{a.} Williams, l.

Mother: Cornetta " l.

Claims through father.

wife. Mary Ann Williams, l.w.

No claims for wife -

Children:

Bessie Williams, 4

Claud " 2

Claims for self &
children -

Stenographer W. W. Martin

Choctaw MCR 5809

Rosa M. Hyden

MCR 5809

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application of Rosa M. Hyden for
identification as a Mississippi Choctaw, M. C. R. 1879.

List of papers forwarded to the Secretary of the Interior
with the record in the above case, together
with the page occupied by each in
said record.

Original application of Rosa M. Hyden for
identification as a Mississippi Choctaw.

Page:

1

Decision of the Commission refusing the appli-
cation of Rosa M. Hyden for identification as
a Mississippi Choctaw.

2

Department of the Interior,
Commission to the Five Civilized Tribes.
Muskogee, I. T., June 15, 1902.

/s/

In the matter of the application of Rosa M. Hyden for identification as a Mississippi Choctaw.

Rosa M. Hyden being first duly sworn testifies as follows:

Examination by the Commission.

- Q What is your name? A Rosa M. Hyden.
Q What is your age? A 19.
Q What is your postoffice address? A Muskogee, Indian Territory.
Q How long have you lived at Muskogee? A Just a little while.
Q Where were you born? A I don't know.
Q Do not know what state? A No sir.
Q Where have you lived most of your life? A In Blanco County, Texas.
Q Did you come from Texas to the Indian Territory? A Yes sir.
Q You intend to now reside in Muskogee? A Yes sir.
Q Is your father living? A No sir.
Q Is your mother living? A No sir.
Q What was your father's name? A Thomas Hedlock.
Q What was your mother's name? A Mary Harris.
Q What was her maiden name? A Yes sir.
Q How Hedlock, she married Hedlock? A Yes sir.
Q Through which parent do you claim your Choctaw blood? A My mother.
Q How much Choctaw blood do you claim? How much did your mother have? A She had a half.
Q If your mother was one half then you would one half of that wouldn't you? A Yes sir.
Q And that would be one fourth? A Yes sir.
Q Are you sure your mother was one half Choctaw? A Yes sir.
Q Then you claim one fourth? A Yes sir.
Q Has your mother ever been recognized in any way or enrolled as a member of the Choctaw tribe of Indians in the Indian Territory by the Choctaw tribal authorities or the United States authorities in the Indian Territory? A I don't know.
Q Are you married? A Yes sir.
Q What is your husband's name? A J. A. Hyden.
Q Is he a white man or Indian? A White man.
Q Do you make any claim for your husband? A No sir.
Q Have you any children? A None.
Q You claim for yourself alone? A Yes sir.
Q In your name on any of the tribal rolls of the Choctaw Nation in the Indian Territory? A No sir.

- Q Have you ever made application for citizenship in the Choctaw Nation to the Choctaw tribal authorities in the Indian Territory? A No sir.
- Q Have you ever made application for citizenship in the Choctaw Nation to the Commission to the Five Civilized Tribes under the act of Congress of June 10, 1896? A No sir.
- A Have you ever been admitted to citizenship in the Choctaw Nation by either the Choctaw tribal authorities, the Commission to the Five Civilized Tribes or the United States Court in the Indian Territory? A No sir.
- Q Is this the first application you have ever made for citizenship in the Choctaw Nation to the Choctaw tribal authorities or the United States authorities in the Indian Territory? A Yes sir.
- Q Do you now come before the Commission to be identified as a Mississippi Choctaw? A Yes sir.
- Q Do you claim under article fourteen of the treaty of 1830? A Yes sir.
- Q Do you understand that article of that treaty? A No sir.

The treaty of 1830 was made between the United States government and the Choctaw Indians at a place in Mississippi called Dancing Rabbit Creek on the 27th day of September, 1830. The object of the treaty was to remove as far as practicable all the Choctaw Indians from the old Choctaw Nation east of the Mississippi river to the Choctaw Nation, Indian Territory. Before the treaty was signed it became known that a good many of the Choctaw Indians would not go from that old Choctaw Nation to the Choctaw Nation, Indian Territory, and in order to protect the interests of those Indians who stayed back in the old Choctaw Nation article fourteen was drafted and put into the treaty of 1830. That article reads as follows:

"ARTICLE XIV. Each Choctaw head of a family being desirous to remain and become a citizen of the states shall be permitted to do so by signifying his intention to the Agent within six months from the ratification of this treaty, and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land, to be bounded by sectional lines of survey; in like manner shall be entitled to one half that quantity for each unmarried child which is living with him over ten years of age, and a quarter section to such child as may be under ten years of age, to adjoin the location of the parent. If they reside upon said lands intending to become citizens of the states for five years after the ratification of this treaty, then in that case, a grant in fee simple shall issue; said reservation shall include the present improvements of the head of the family or a portion of it. Persons who claim under this article shall not lose the privilege of a Choctaw citizen, but if they ever remove are not entitled to any portion of the Choctaw annuity."

- Q Do you think you understand that article now? You understand what it was made for? A Yes sir.
- Q I do not expect you to understand it in all its details, but you understand what it was made for? A Not exactly.
- Q You understand that that is the article you claim under don't you? A Yes sir.

- Q And you understand it well enough to claim under it don't you?
A Yes sir.
- Q Do you know if any of your Choctaw ancestors complied or attempted to comply with any of the provisions of that article? A No sir I don't.
- Q What is the name of your ancestor through whom you claim your right to be identified as a Mississippi Choctaw? Your grand father or grand mother, or your ancestors who lived in 1830?
A I don't know nothing about it.
- Q You claim through your mother don't you? A Yes sir.
- Q Can you tell whether she claimed through her mother or father?
A No sir.
- Q Don't you know her father's name? A No sir.
- Q Do you know her mother's name? A No sir.
- Q Then you claim through your mother? A Yes sir.
- Q How old would she be if living now? A I don't know.
- Q When did she die? A I don't know.
- Q Have you any idea how old she would be if living now? A No sir.
- Q Would she be old or young? A I expect pretty old, I don't know how old.
- Q Do you know where she was born? A No sir.
- Q Do you know of any ancestor of yours who lived in Mississippi or in Alabama in the old Choctaw Nation in 1830? A No sir.
- Q Did you ever hear of any? A No sir.
- Q How do you know you have any Choctaw blood? A From my sisters in law and half brothers and sisters.
- Q Who were they? A Medlocks

You ought to understand if you have not been entirely deceived by someone that in order for you to present a claim before the Commission you must know something about your Choctaw ancestors, and you must know that some of them lived in the state of Mississippi or Alabama in the old Choctaw Nation in 1830 and had a family there then, and that they complied with article fourteen of the treaty of 1830.

- Q Do you know any of these facts? A No sir.
- Q You never heard it from any member of the family? A No sir.
- Q How do you expect to prove this case before the Commission then. Now just tell me exactly all you ever heard about your Choctaw blood, and how you heard it; what you have been taught by relatives or members of the family? A My sister in law said my mother had always told her she was a half blood Choctaw Indian.
- Q What is your sister in law's name? A Ollie Medlock.
- Q Where does she live? A In Texas.
- Q What place in Texas? A Llano.
- Q Did your mother ever tell you that? A No she never told me that; she was dead when I was three days old.
- Q So you get this information from other members of the family?
A Yes sir.
- Q Have you been taught by members of your family that your mother Mary Medlock lived in Mississippi? A Yes sir.
- Q Did you ever hear where in Mississippi she lived? A No sir. I don't know where she lived.
- Q And you do not know when and where she died? A No sir.
- Q Did your mother speak the Choctaw language? A I don't know.
- Q You never heard her father's name? A No sir.
- Q Or her mother's name? A No sir.

- 4
- Q Did you say your mother was born in Mississippi? A No sir.
 Q Do you know if she was born there? A No sir I don't know.
 Q Then you are not able to state anything further about your Choctaw ancestors except what you have been taught about your mother? A No sir.
 Q And you do not know how old she was when she died? A No sir.
 Q Nor where she died? A No sir.
 Q And do not know where she lived most of the time? A No sir.
 Q No one has ever taught you about your grandmother or grandfather? A No sir.
 Q You have no reason to believe that your grandmother lived in Mississippi in 1830 and was the head of a family there then? A No sir.
 Q And can not give the name of any ancestor who did live there and was the head of a family there then, either in Mississippi or Alabama in the old Choctaw Nation? A No sir.

As before stated it will be necessary for you to prove if you wish to substantiate this claim that you are descended from a Mississippi Choctaw ancestor, who lived in the old Choctaw Nation in Mississippi or Alabama in 1830 and was the head of a family there at that time, and who complied with article 14 of the treaty of 1830; any proof presented to the Commission less than that is not the proof required under article fourteen of the treaty of 1830, or under section 21 of the act of Congress of June 28, 1838.

- Q Did any of your Choctaw ancestors own any land or claim any land in Mississippi or Alabama in the old Choctaw Nation under article fourteen of the treaty of 1830? A Not that I know of.
 Q Did any of your Choctaw ancestors own any improvements on land in the old Choctaw Nation in Mississippi or Alabama in 1830? A Not that I know of.
 Q Did any of your Choctaw ancestors within six months after the ratification of the treaty of 1830 go to the United States Indian Agent Colonel William Ward, and tell him that they wanted to stay in Mississippi, take land there and become citizens of the states? A I don't know.
 Q Did any of your Choctaw ancestors go from that old Choctaw Nation east of the Mississippi river to the Choctaw Nation, Indian Territory, with the other Indians between 1833 and 1838 or 1840? A Not that I know of.

In the year 1837 as well as in 1848 Commissions were appointed under various acts of Congress. The Commission of 1837 went to Mississippi and heard claimants under article fourteen of the treaty of 1830; and the Commission of 1848 also went to Mississippi and heard claimants under that article of that treaty. These Commissions were appointed because of the complaints of Choctaw Indians who said they had stayed in the old Choctaw Nation under the treaty of 1830, and attempted to register under article fourteen of that treaty before Colonel William Ward, United States Indian Agent, within six months after the ratification of the treaty, but that he failed to register their names, and because of this failure their land which they had occupied in the old Choctaw Nation was taken from them by the government and sold at its public land sales.

- Q Do you know whether any of your Choctaw ancestors went before either of these two Commissions and claimed any benefits as Choctaw Indians under article fourteen of the treaty of 1830? A No sir.
- Q Did any of your Choctaw ancestors receive any script from the government which entitled them to select land in Mississippi, Louisiana, Alabama or Arkansas to take the place of land they had held in the old Choctaw Nation, which the government had taken from them and sold? A I don't know.
- Q Have you any kin folks who have been before the Commission to be identified as Mississippi Choctaws? A No sir I don't know of any.
- Q Have you any other evidence that you want to present now in support of this claim, any papers or any testimony of any kind? A No sir.
- Q You have nothing? A No sir.
- Q Is there anything more you want to say; do you want to call any witnesses in this case? A We want to get some witnesses.
- Q You want a little time? A Yes sir.

Thirty days time is allowed this applicant in which to furnish other testimony if she is able to do so. This time is given this applicant because in the opinion of the Commission she knows nothing of her Choctaw ancestry other than some one has told her that her mother was one half Choctaw Indian. In the present status of the case she has in no manner shown even a partial compliance with the proof necessary to substantiate this claim.

This applicant has the appearance and physical characteristics of being descended from white parentage; she has blonde hair, almost yellow; eyes blue, skin fair.

- Q Do you speak the Choctaw language? A No sir.

She has no knowledge of the Choctaw language, and no knowledge of the compliance on the part of her ancestors with any of the provisions of article fourteen of the treaty of 1830.

W H Martin being first duly sworn on oath states that as stenographer to the Commission to the Five Civilized Tribes he recorded the above proceedings on the 18th day of June, 1903, and that the foregoing is a full, true and correct transcript of his stenographic notes in the same.

W. H. Martin

Subscribed and sworn to before me this 18th day of June, 1903.

Wm. H. Martin
Notary Public.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

— 226 —

World Commission will have authority to determine the identity of shooter, bullet striking plane in New York tax haven under article 17 of the 1948 United Nations and 1954 United States and United Kingdom treaties. The Commission will also have authority to determine the fate of the plane and the fate of the pilot and other persons on board the plane. The Commission will also have authority to determine the fate of the plane and the fate of the pilot and other persons on board the plane.

It was reported that said individual claims rights in the
Federal Reserve Bank of New York, and that the Federal Reserve Bank
of New York had been advised that the individual in question
was a member of the Federal Reserve Bank of New York, and that the
Federal Reserve Bank of New York had been advised that the individual
in question was a member of the Federal Reserve Bank of New York.

It further appears from the evidence submitted in support of said application and from the records in the possession of the Commission that said applicant has never been enrolled by the Chee-taw tribal authorities as a member of the Chee-taw tribe, or admitted to Chee-taw citizenship by a duly constituted court or committee of the Chee-taw Nation, or by the Commission to the Five Civilized Tribes, or by a decree of the United States Court in Indian Territory, under the provisions of the act of Congress approved June 10, 1896, (29 Stat., 521).

It does not appear from the testimony and evidence offered in support of said application, or from the records in the possession of the Commission relating to persons who complied or attempted to comply with the provisions of article fourteen of the treaty of eighteen hundred and thirty, and to persons who heretofore were claimants thereunder, that the said Mary Hedlock (nee Harris) signified (in person or by proxy) to Colonel Wm. Ward, Indian Agent, Chee-taw Agency, an intention to comply with the provisions of said article fourteen, or presented a claim to rights thereunder to either of the Commissions authorized to adjudicate such claims by the acts of Congress approved March 3, 1857, (3 Stat., 180), and August 22, 1842, (5 Stat., 513).

It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Reas N. Ryden as a Chee-taw Indian entitled to rights in the Chee-taw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the application for her

8.

Identification of such should be refused, and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES,

Jame Dixie

Acting Chairman.

T. B. Needles

General Counsel.

C. B. Brockbridge

Commissioner.

Washington, Indian Territory,

OCT 29 1902

COPY

M.C.B. 5800.

Muskogee, Indian Territory, October 29, 1902.

Rosa M. Hyden,

Muskogee, Indian Territory.

Dear Madam:-

You are hereby advised that on the 25th day of October, 1902, the Commission to the Five Civilized Tribes rendered a decision in the case of Rosa M. Hyden, an applicant for identification as a Mississippi Choctaw.

This application was made under the provision of the act of Congress of June 28, 1902, (30 Stat., 495) which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh eighteen hundred and thirty, and to that end may administer oaths, examine witnesses, and perform all other acts necessary thereto, and make report to the Secretary of the Interior."

Said decision concludes as follows:

"It is therefore the opinion of this commission that the evidence herein is insufficient to determine the identity of Rosa M. Hyden as a Choctaw Indian entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the application for her identification as such should be refused, and it is so ordered.

You are further advised that you will be allowed fifteen days from the date hereof within which to file arguments

P.H.K. —2

in this office, and that at the expiration of said time the
papers in the case, together with such arguments, will be for-
warded for review to the Secretary of the Interior through
the Commissioner of Indian Affairs.

Respectfully,

SIGNED:

John A. Bingham
Acting Chairman.

Registered.

H.C.N. 5800.

CC

Waskagoo, Indian Territory, October 29, 1900.

Mr. Field, Esq., Murray & Corvish,

Attorneys for the Choctaw and Chickasaw Nations,

South McAlester, Indian Territory.

Sir:-

You are hereby advised that on the 25th day of October, 1900, the Commission to the Five Civilized Tribes rendered a decision in the case of Rosa M. Hyden, an applicant for identification as a Mississippi Choctaw.

This application was made under the provision of the act of Congress of June 28, 1898, (30 Stats., 493) which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto, and make report to the Secretary of the Interior."

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Rosa M. Hyden as a Choctaw Indian entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the application for her identification as such should be refused, and it is so ordered."

No. 1001, S. C. — 2

You are further advised that the applicant in this case has been allowed fifteen days from the date hereof within which to file arguments in this office, and that at the expiration of said time the papers in the case, together with such arguments will be forwarded for review to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

(SIGNED)

Tams Dixie
Acting Chairman

COPY.

Muskogee, Indian Territory, November 14, 1903.

The Honorable,

The Secretary of the Interior.

Sir:

There is transmitted herewith the record in the case of Rosa M. Ryden, an applicant to the Commission for identification as a Mississippi Choctaw, including the decision of the Commission of October 29, 1903.

The Commission has the honor to report that the applicant in this case and the attorneys for the Choctaw and Chickasaw Nations have been duly advised by letter of the action of the Commission, copies of said letters being attached to the record.

Respectfully,

Tama Birby

Acting Chairman

Through the
Commissioner of Indian Affairs.

Enc. M.C.R. 3309.

Land.
68832--1902.

C O P Y.
Department of the Interior,
Office of Indian Affairs,
Washington, February 20, 1903.

The Honorable,

The Secretary of the Interior.

Sir:-

There is transmitted, herewith the record and proceedings had before the Commission to the Five Civilized Tribes, in the matter of the application of Rosa M. Hyden, for the identification of herself as a Mississippi Choctaw.

On October 29, 1902, the Commission rendered a decision in this case finding that the evidence submitted in behalf of the applicant is insufficient to determine her identity as a Mississippi Choctaw Indian entitled to rights in the lands of the Choctaw Nation under the provisions of the 14th article of the Choctaw treaty of 1830.

An examination of the record evidence shows that this applicant claims to be a descendant of Mary Medlock (nee Harris), who is alleged to have been a Choctaw Indian of the half blood; but neither the record evidence nor an examination of the records in this office show that any person by the name of Mary Medlock or Harris ever complied or attempted to comply with the provisions of the 14th article of the Choctaw treaty of 1830 in any manner whatever, or received a patent for land thereunder. The record evidence does not show that the applicant is not a Choctaw Indian of the full blood.

-2-

By reason of the premises the office considers that the said decision of the Commission is correct, and recommends that it be approved by the Department.

Very respectfully,

A. C. Tenner,

Acting Commissioner.

W.C.B. (E).

D. C. 8298

C O P Y.
Department of the Interior.
W A S H I N G T O N.

FILE.

I.T.D. 2016-1902.

March 21, 1903.

L R S

Commission to the Five Civilized Tribes,
Muskogee, Indian Territory.

Gentlemen:

November 14, 1902, you transmitted the record in the case involving the application for identification as a Mississippi Choctaw of Rosa M. Hyden (N.C.R. 5809), including your decision of October 29, 1902, refusing to identify her as such.

This applicant claims rights in Choctaw lands under article 14 of the treaty of September 27, 1830, by reason of being a descendant of Mary Medlock (nee Harris), who is alleged to have been an one-half blood Choctaw Indian.

The records fail to show that the applicant has ever been admitted or enrolled as a member of the Choctaw Nation, or that her alleged ancestor complied or attempted to comply with said article 14 of the treaty of 1830, or with the subsequent acts relating thereto.

Reporting in the matter February 20, 1903, the Acting Commissioner of Indian Affairs recommends that your decision be approved. A copy of his letter is inclosed.

The Department finds no reason to disturb your decision, and it is hereby affirmed.

Respectfully,
Thos. Ryan,,
Acting Secretary.

1 inclosure.

M.C.R. 5809

COPY:

Muskogee, Indian Territory, March 30, 1903.

Mansfield, McMurray & Cornish,

Attorneys for the Choctaw and Chickasaw Nations,

South McAlester, Indian Territory.

Gentlemen:

You are hereby notified that on the 21st day of March, 1903, the Secretary of the Interior affirmed the decision of this Commission, refusing the application of Rosa M. Hyden, for identification as a Mississippi Choctaw, of which decision you were advised by mail on the 29th day of October, 1902.

Respectfully,

FILED

Tams Bixby.
Chairman.

M.C.R. 5609

COPY:

Muskogee, Indian Territory, March 30, 1903.

Mesa M. Hyden,

Muskogee, Indian Territory.

Dear Madam:

You are hereby notified that on the 21st day of March, 1903, the Secretary of the Interior affirmed the decision of this Commission, refusing your application for identification as a Mississippi Choctaw, of which decision you were advised by registered mail on the 29th day of October, 1902.

Respectfully,

Tams Bixby
Chairman.

For Identification as a Mississippi Choctaw.

Date

JUN 1 : 1902

Name Rosa M. Hyden.

Age 19 — Blood $\frac{1}{4}$

Post-Office, Muskogee, L.T.

Father: Thomas Medlock. d.

Mother: Mary " d.

Claims through mother $\frac{1}{2}$
 Husband J. A. Hyden, l. w.
 No claim for husband

~~Children:~~

Claims for self
 alone -

Stenographer W. H. Martin

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

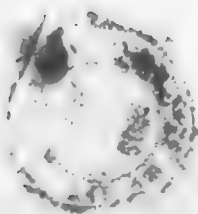
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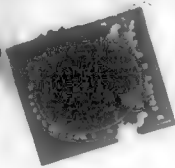
DEC 11 1902



ACTING CHAIRMAN

2





Department of the Interior.

Commission to the Five Civilized Tribes,

MUSKOGEE, IND. TER.

OFFICIAL BUSINESS.

Penalty for private use, \$300.

Rosa M. Hyden,
Muskogee, Indian Territory.

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES
FILED
MAY 11 1903

[Handwritten signature]

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6085



Department of the Interior.

Commission to the Five Civilized Tribes,
MUSKOGEE, IND. TER.

OFFICIAL BUSINESS.

For private use, \$300.



Hyden
Muskogee
Ind Ter

Choctaw MCR 5810

Willie P. Dumas

by

Jimmie Dumas

See MCR 4006

MCR 5810

Department of the Interior,
Commission to the Five Civilized Tribes.
Muskogee, I. T., June 15, 1902.

73810.

In the matter of the application of the four minor children of William Pinckney Dumas, Willie P. Dumas, Jennie W. Dumas, Clark E. Dumas, and Paris Dumas, for identification as Mississippi Choctaws, made by their mother, Jennie Dumas.

J. C. Ralls, Attorney for applicants.

Jennie Dumas being first duly sworn testifies as follows:

Examination by the Commission.

- Q What is your name? A Jennie Dumas.
Q What is your age? A Thirty-seven.
Q What is your post office address? A Elmo, Texas.
Q How long have you lived at Elmo? A Six years from the first of January.
Q Where did you live before that? A Terrell, Texas.
Q How long did you live there? A Eleven years.
Q Where did you live before that? A Hickman, Kentucky.
Q You are a white woman? A Yes sir.
Q And you are not making application for yourself? A No sir, my husband's children.
Q Is your husband dead? A Yes sir.
Q When and where did your husband die? A In Rockwall, Texas, June 24th, 1900.
Q What was his name? A William Pinckney Dumas.
Q How many children? A Four.
Q How much Choctaw blood did he have? A One-sixteenth.
Q These children claim through your husband, their father? A Yes.
Q Give me the name of the oldest? A Willie P. Dumas.
Q How old is Willie? A 15 years old.
Q The next? A Jennie W. Dumas.
Q How old is she?
Q The next? A Clark E. Dumas.
Q The next? A Paris Dumas.
Q A girl? A Yes sir, 22 months old.
Q You claim for your children? A My children, yes sir.
Q Is William P. Dumas the father of these four children? A Yes sir.
Q And they claim their Choctaw blood through him? A Yes sir.
Q When and where were you married to him? A Hickman, Kentucky.
Q When? A On the 10th day of February, 1885.
Q By a minister under a license? A Yes sir, R. L. Pumphrey.
Q How long have you been living with your husband's death?

- and you are still supporting them? A Yes sir.
- Q Are the names of these children on any of the tribal rolls of the Choctaw Nation in the Indian Territory? A No sir.
- Q Has application ever made for these children to the Choctaw tribal authorities for citizenship in the Choctaw Nation? A No sir.
- Q Has application ever been made for these children or any of them for citizenship in the Choctaw Nation to the Commission to the Five Civilized Tribes under the act of Congress of June 10, 1896? A No sir.
- Q Have they ever been admitted to citizenship in the Choctaw Nation by the Choctaw tribal authorities, the Commission to the Five Civilized Tribes or the United States Court in the Indian Territory? A No sir.
- Q Is this the first application that has ever been made for their enrollments as citizens of the Choctaw Nation to the Choctaw tribal authorities or the United States authorities in the Indian Territory? A Yes sir.
- Q They claim through their father? A Yes sir.
- Q Do you know whether their father has ever been recognized or enrolled as a member of the Choctaw tribe in the Indian Territory by the Choctaw tribal authorities or the United States authorities in the Indian Territory? A I do not think he has.
- Q Do you claim for these children under article fourteen of the treaty of 1830? A Yes sir.
- Q You want to identify them as Mississippi Choctaws? A Yes sir.

The treaty of 1830 was made between the United States government and the Choctaw Indians at a place in Mississippi called Dancing Rabbit Creek on the 27th day of September, 1830, and was ratified the 24th day of February, 1831. Before the treaty was signed on the 27th day of September, 1830, it became known that a good many Choctaw Indians would not go to the Choctaw Nation, Indian Territory under the treaty, about six thousand of them, and in order to protect the interests of those Indians who remained in the old Choctaw Nation article fourteen was drafted and put into the treaty of 1830. That article reads as follows:

"ARTICLE XIV. Each Choctaw head of a family being desirous to remain and become a citizen of the states shall be permitted to do so by signifying his intention to the Agent within six months from the ratification of this treaty, and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land, to be bounded by sectional lines of survey; in like manner shall be entitled to one half that quantity for each unmarried child which is living with him over ten years of age, and a quarter section to such child as may be under ten years of age, to adjoin the location of the parent; if they reside upon said lands intending to become citizens of the states for five years after the ratification of this treaty, in that case, a grant in fee simple shall issue; said reservation shall include the present improvement of the head of the family or a portion of it. Persons who claim under this article shall not lose the privilege of a Choctaw citizen, but if they ever remove are not entitled to any portion of the Choctaw annuity."

- Q You understand that do you not? A Yes sir.

- Q Do you know if any of your Choctaw ancestors, that is your husband's Choctaw ancestors, complied in any way or attempted to comply with article fourteen of that treaty? A I have been informed that my husband's grandfather, E. W. Dumas, did.
- Q He was a white man was he not? A Yes, it was through his wife.
- Q What was her maiden name? A Elizabeth Brashears, as well as I remember.
- Q How much Choctaw blood did Elizabeth Brashears have? A One fourth I believe.
- Q Did she live in Mississippi or Alabama in the old Choctaw Nation? A A In Mississippi.
- Q Did she live there in 1830? A Yes sir.
- Q Did she have a family of children living there with her at that time? A Yes sir.
- Q You get that from family history? A Yes sir.
- Q Do you know whether she had a Choctaw Indian name, other than Elizabeth Brashears or Elizabeth Dumas? A No sir I do not.
- Q Did she speak the Choctaw language? A I don't know.
- Q How old would she be if living now? A A I can not answer that question.
- Q Do you know when and where she died? A No sir.
- Q Or when and where she was born? A No sir.
- Q These children claim through their father? A Yes sir.
- Q Your husband, William P. Dumas? A Yes sir.
- Q How old would he be if living now? A Fifty years old.
- Q Where was he born? A In Palestine, Texas.
- Q And he claimed through whom, his father or mother? A His father.
- Q Did his father live in Mississippi? A Yes sir.
- Q What was his father's name? A Lawrence Dumas.
- Q How old would his father be if living now? A He would be, he was too old to go into the war; he was about 48 during the war and that has been about 37 years ago.
- Q Do you know whether your husband's father was born living in Mississippi? A Yes sir, he was.
- Q Do you know when? A No sir, I do not.
- Q He claimed through whom, his father or mother? A Through his father.
- Q Who was a son of Elizabeth Brashears; his father claimed through his mother? A Yes sir.
- Q Do you know whether it was Elizabeth Brashears who lived in Mississippi in 1830 and had a family there then, or was it some or her descendants? A It was her.
- Q Do you know whether any of the ancestors of those children owned any land or claimed any land in Mississippi or Alabama under article fourteen of the treaty of 1830? A I have been informed that he applied for it and was refused.
- Q Who was that? A E. W. Dumas.
- Q You did not hear that Elizabeth Brashears applied? A He was her husband and applied for her.
- Q Did she go and make application? A I do not know whether she went.
- Q When was that do you know? A In 1831 I think.
- Q Was it within six months, the six months time limited after the ratification of the treaty of 1830 for those applications to have been made? A I suppose it was during the six months; they said he went at the proper time.
- Q And you say that nothing came of that application? A No sir.
- Q Elizabeth Brashears name was not put upon Ward's Register? I I can not tell you.

- Q Was the name of E. V. Dumas put upon Ward's Register, the husband of Elizabeth Brashears, a Choctaw Indian? A I can not tell you.
- Q The land was not in fact taken? A No sir.
- Q Did any of the Choctaw ancestors of these children own any improvements on land in the old Choctaw Nation in Mississippi or Alabama in 1830? A I don't know, I don't suppose they did.
- Q Did any of them within six months after the ratification of the treaty of 1830 go to the United States Indian Agent, Colonel Ward, and tell him that they wanted to stay in Mississippi, take land here and become citizens of the states? A Yes, that is what I have been informed, and they told them there was no land for them.
- Q Did any of the Choctaw ancestors of these children go from that old Choctaw Nation east of the Mississippi river to the Choctaw Nation, Indian Territory, with the other Indian between 1833 and 1838 or 1840? A No sir I presume not.
- Q Did any of the Choctaw ancestors of these children comply with article fourteen of the treaty of 1830 other than what you have already stated? A No sir.

In 1837 as well as in 1842 Commissions were appointed under various acts of Congress, which went to Mississippi and heard claimants under article fourteen of the treaty of 1830. The reason why these Commissions were appointed was because of the fact that a great many Choctaw Indians went to Colonel Ward, The United States Indian Agent, within six months after the ratification of the treaty of 1830 and tried to register, but he failed to register their names, and as a result of his failure the land which they claimed and held in the old Choctaw Nation was taken from them by the government and sold at its public land sales. This caused a great many complaints, and in 1837 and in 1842 Congress appointed these two Commissions to hear these claimants and adjust their claims.

- Q Do you know if any of the Choctaw ancestors of these children went before either of these two Commissions and claimed any benefit as Choctaw Indians under article fourteen of the treaty of 1830? A I have no history to that effect.
- Q Did any of the Choctaw ancestors of these children receive any script from the government which entitled them to select land in Mississippi, Alabama, Louisiana or Arkansas to take the place of land they had held in the old Choctaw Nation and which was taken from them by the government and sold? A No sir, not that I know of.

This script was issued under an act of Congress approved August 23, 1843, and was given to those Indians who proved their claim under article fourteen of the treaty of 1830, and also proved that they had had their land taken from them by the government and sold.

- Q Is Scott S. Dumas any relation to these children? A He is a cousin of my husband.
- Q He has made application for identification as a Mississippi Choctaw? A I suppose so.
- Q And a great many other relatives claiming through Elizabeth Brashears? A Yes sir.
- Q And if you like to have the case of these children consolidated

with theirs, under the head of Scott S. Dumas? A Yes sir.

The case of Scott S. Dumas, M C R 4006, is here referred to for the purpose of consolidation.

- Q Do you know whether your husband, William P. Dumas, spoke or understood the Choctaw language? A I know that he did not.
- Q Did you ever meet any of his relatives, his Choctaw relatives? A No sir.
- Q Are these two children here yours? A Yes sir.
- Q This little girl is named Paris? A Yes sir.
- Q And this is Clark? A Yes sir.
- Q His eyes are gray? A Brown.
- Q What is the description and physical appearance of William P. Dumas? A He has brown eyes, light hair yet, and he is between dark and fair, and the little girl has blue eyes like this one.
- Q This little Paris, eyes are blue? A Yes sir.
- Q Clark G's eyes are brown? A Yes sir.
- Q His hair is light; these two children, Clark G., and Paris, have light hair and light complexion, and of course they know nothing of the Choctaw language? A No sir; their father had brown eyes, dark skin and black hair,

W H Martin being first duly sworn on oath states that as stenographer to the Commission to the Five Civilized Tribes he recorded the above proceedings on the 13th day of June, 1902, and that the foregoing is a full, true and correct transcript of his stenographic notes in the same.

W. H. Martin

Subscribed and sworn to before me this 18th day of June, 1902.

Alvin H. Martin
Notary Public.

Miss. Chootaw 8880

Muskogee, Indian Territory, June 21, 1902.

J. G. Ralls,

Attorney at Law,

Atoka, Indian Territory,

Dear Sir:

Receipt is hereby acknowledged of your letter of June 21, inclosing certified copy of marriage license and certificate between L. W. Dumas and Antoinette J. Waites, marriage license and certificate between B. H. Dumas and S. E. Williams, and certified copy of marriage license and certificate between W. P. Dumas and Jennie White, which you offer in support of the application made by Jennie Dumas for the identification of her minor children, Willie W. Dumas, et al, as Mississippi Chootaws, and the same have been filed with the record in the above named case.

Yours truly,

Commissioner in Charge.

COMMISSIONERS
TAMM BIXBY,
THOMAS B. NEEDLES
C. R. BRACKINRIDGE
W. E. STANLEY

ALLISON L. AYLESWORTH
SECRETARY

COPY.

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES

REFER IN REPLY TO THE FOLLOWING

M. C. R. 3210.

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES

MUSKOGEE, INDIAN TERRITORY, May 15, 1903

Jennie Dumas,

Elmo, Texas.

You are hereby advised that on the 15th day of May, 1903, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Scott S. Dumas, et al., embracing the following applications for identification as Mississippi Choctaws:

Scott S. Dumas, et al.,	M. C. R. 4006
Miles G. Lantrip,	M. C. R. 4737
Mary P. Phillips, et al.,	M. C. R. 4738
Isom Lantrip,	M. C. R. 4739
William T. Brasher, et al.,	M. C. R. 4740
Andy Brasher, et al.,	M. C. R. 4741
Robert L. Brasher,	M. C. R. 4742
Albert Collums,	M. C. R. 4743
James S. Collums,	M. C. R. 4744
Thaddeus W. Dumas,	M. C. R. 5737
Aurelius W. Dumas,	M. C. R. 5726
Alexander Dumas, et al.,	M. C. R. 6113
Sharkey H. Roth,	M. C. R. 5845
Mary E. Carothers, et al.,	M. C. R. 5700
Carrie McConico, et al.,	M. C. R. 5520
Bernard A. Williams, et al.,	M. C. R. 5144
Maud Cain, et al.,	M. C. R. 5807
Claude A. Grantham, et al.,	M. C. R. 5714
James J. Dumas, et al.,	M. C. R. 5717
Sydney L. Dumas,	M. C. R. 5803
Adella Caroline Hardin, et al.,	M. C. R. 5698
Lulu K. Smith, et al.,	M. C. R. 5699
Benjamin F. Dumas,	M. C. R. 4521
James D. Dumas, et al.,	M. C. R. 4524
Ennie Palmer, et al.,	M. C. R. 5857
Maud Terry, et al.,	M. C. R. 4525
Lottie McCoy,	M. C. R. 4522
Jane E. McCreary,	M. C. R. 4528
Mary C. L. Hollis, et al.,	M. C. R. 4222
William H. Hollis, et al.,	M. C. R. 4311
Lawrence W. Hollis, et al.,	M. C. R. 4310
Minnie H. Nicolls, et al.,	M. C. R. 4312
Mary C. McLeod, et al.,	M. C. R. 4313
Hattie E. Andrews, et al.,	M. C. R. 4314
Charlie T. Skinner, et al.,	M. C. R. 4315

Thomas H. Hollie,	M. C. R. 4309
Blanche G. Merchant,	M. C. R. 4223
Lawrence W. Dumas, et al.,	M. C. R. 5731
Mary A. Wade, et al.,	M. C. R. 5822
Willie P. Dumas, et al.,	M. C. R. 5810
John R. Dumas, et al.,	M. C. R. 5701
Carrie A. Wilkerson, et al.,	M. C. R. 5703
Maggie Ida Dumas,	M. C. R. 5702
William P. Mims,	M. C. R. 5985
Ransom E. Mims, et al.,	M. C. R. 5858
Frank E. Dumas,	M. C. R. 5732
Ben M. Dumas,	M. C. R. 5811
Edward W. Blakey, et al.,	M. C. R. 5425
Nannie Black, et al.,	M. C. R. 4185
Charles H. Black,	M. C. R. 4200
Ammon Wood, et al.,	M. C. R. 4202
Willie Wood,	M. C. R. 4203
Ellington Wood,	M. C. R. 4199
Edna Fry,	M. C. R. 4286
Robert B. Shipp, et al.,	M. C. R. 4285
Maria J. Crawford, et al.,	M. C. R. 4115
Majie J. Crawford Cole, et al.,	M. C. R. 4116
Elizabeth Baxter Caldwell, et al.,	M. C. R. 4114
Jennie B. H. Calhoun, et al.,	M. C. R. 4117
J. M. Crawford, et al.,	M. C. R. 4094
Robert H. Crawford,	M. C. R. 4164
Edna M. Folliard, et al.,	M. C. R. 4168
Everett B. Crawford, et al.,	M. C. R. 4165
Edwin R. Crawford,	M. C. R. 4077
Pinkie Creager, et al.,	M. C. R. 4169
Fannie Sharp, et al.,	M. C. R. 4433
George H. Gresham,	M. C. R. 4098
Oliver P. Gresham, et al.,	M. C. R. 4095
Robert O. Gresham, et al.,	M. C. R. 4201
Erma Biglow,	M. C. R. 4435
David E. Dumas,	M. C. R. 4651
DeBerry G. Dumas, et al.,	M. C. R. 4119
Birdie D. Carlet, et al.,	M. C. R. 4123
Maek O. Dumas,	M. C. R. 4658
Susan M. Hendricks,	M. C. R. 4121
Onia Ann Stephens, et al.,	M. C. R. 4096
Jackson E. Hendricks, Jr., et al.,	M. C. R. 4126
Mary H. Decker, et al.,	M. C. R. 4122
Helen Martin, et al.,	M. C. R. 4097
John W. Dumas,	M. C. R. 5012
Ada B. Ewing, et al.,	M. C. R. 4284
Minnie P. Dumas,	M. C. R. 5011
Malinda Blanke, et al.,	M. C. R. 4118
William C. Blanke, et al.,	M. C. R. 4185
Robert E. Blanke, et al.,	M. C. R. 4139
Nora E. Binford,	M. C. R. 4125
Birdie A. Wilson, et al.,	M. C. R. 4134
Albert G. Dumas, et al.,	M. C. R. 4631
Roxanna Freeman, et al.,	M. C. R. 4850
Arizona Elizabeth Daniels, et al.,	M. C. R. 4633
Dixie Dumas Connolly, et al.,	M. C. R. 4632
Maude Florence Clark, et al.,	M. C. R. 5718
May L. Brown,	M. C. R. 5725

Murat Dumas, et al.,	M. C. R. 5715
Lula A. Dumas,	M. C. R. 5716
Lena Fulton, et al.,	M. C. R. 4144
Lauren Scott Cannon, et al.,	M. C. R. 4145
Eula Umphress, et al.,	M. C. R. 4146
Pearl Barron, et al.,	M. C. R. 4147
James W. Wheat, et al.,	M. C. R. 4695
Ivy A. Fowler,	M. C. R. 4696
Dan H. Dumas, et al.,	M. C. R. 3766
Eula D. Shivel,	M. C. R. 4075
Walter W. Dumas,	M. C. R. 4015
James P. Dumas,	M. C. R. 3503
Travis M. Dumas, et al.,	M. C. R. 4007
Verna J. Dumas, et al.,	M. C. R. 4140
Laura D. Cole, et al.,	M. C. R. 4141
Victoria J. Pierce, et al.,	M. C. R. 4066
Lee W. T. Herman,	M. C. R. 4254
Annie B. Wallace, et al.,	M. C. R. 4250
Louis Dumas, et al.,	M. C. R. 4014
Belle Leslie, et al.,	M. C. R. 4067
John F. Sanders, et al.,	M. C. R. 5445
Nancy J. Whorton, et al.,	M. C. R. 5446
James L. Sanders,	M. C. R. 5560
Julia A. Wells,	M. C. R. 5559
Emsley M. Sanders, et al.,	M. C. R. 5804
Cora C. Bond, et al.,	M. C. R. 4620
Margaret K. Aston, et al.,	M. C. R. 4562
Mary Jane Damron, et al.,	M. C. R. 5805
William E. Aston, et al.,	M. C. R. 4583
Vic Damron, et al.,	M. C. R. 4619
Cynthia Jane Dicken, et al.,	M. C. R. 4582
William T. Sanders, et al.,	M. C. R. 5444
James P. Sanders, et al.,	M. C. R. 4069
Missieniah Ellison, et al.,	M. C. R. 4154
Lillie Page, et al.,	M. C. R. 4155
Walter H. Thompson,	M. C. R. 4142
Jeff D. Thompson, et al.,	M. C. R. 4016
Mary A. Ferguson, et al.,	M. C. R. 4772
Vergie J. Powers, et al.,	M. C. R. 4773
Willie E. Ferguson, et al.,	M. C. R. 4774
Alonzo A. Ferguson,	M. C. R. 4775
Sue A. Thompson, et al.,	M. C. R. 4389
Ada Thompson,	M. C. R. 4076
Emma C. Canon, et al.,	M. C. R. 8414
Winnie D. Canon,	M. C. R. 8415
Delmer Canon,	M. C. R. 8761
George Thompson, et al.,	M. C. R. 3756
George Homer Thompson,	M. C. R. 3757
Ida Sandford,	M. C. R. 3759
Lula Thompson Noe, et al.,	M. C. R. 3760
Verner L. Dumas,	M. C. R. 5719
James Don Dumas, et al.,	M. C. R. 5720
Claude E. Dumas, et al.,	M. C. R. 5721
Missie E. Biggerstaff, et al.,	M. C. R. 5722
Nettie A. Woolverton,	M. C. R. 6185
Elizabeth Wood,	M. C. R. 6268
Eula P. Niswander, et al.,	M. C. R. 6342
Lawrence L. Thompson, et al.,	M. C. R. 6373

These applications were made under the provision of the act of Congress of June 28, 1898 (30 Stats., 495), which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto, and make report to the Secretary of the Interior."

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Scott S. Dumas, Ruth Dumas, Miles G. Lantrip, Mary P. Phillips, Early E. Phillips, Esther E. Phillips, Maud E. Phillips, Leo R. Phillips, Myrtle Phillips, Leland Phillips, Durelle Phillips, Rex Phillips, Isom Lantrip, William T. Brasher, Maltz Brasher, Vaudy Brasher, Cordy Brasher, Andy Brasher, Ada Brasher, William C. Brasher, Robert L. Brasher, Albert Collums, James S. Collums, Thaddeus W. Dumas, Aurelius W. Dumas, Alexander Dumas, Dixie M. Dumas, Melville Sidney Dumas, Charles I. Dumas, Sharkey H. Roth, Mary E. Carothers, Ida Blanche McClurg, Susie May McClurg, Ada Maud McClurg, Monroe McClurg, Carrie McConico, Nannie May Mobley, Henry Pope Mobley, Willie McConico, Bernard A. Williams, Marcella Williams, John Williams, Vernie Williams, Maud Williams, Hattie Williams, Maud Cain, John Joseph Cain, Ida May Cain, Claude A. Grantham, Claudia May Grantham, James J. Dumas, Lawrence Dumas, Sydney L. Dumas, Adella Caroline Hardin, Ollie Caroline Hardin, Clyde Abraham Hardin, Lula K. Smith, Opal Smith, Benjamin F. Dumas, James D. Dumas, Abbie A. Dumas, James H. Dumas, Gladys Dumas, Benjamin Dumas, Ennis Palmer, Edgar Palmer, Erbert Palmer, Maud Terry, Moina Terry, Dumas Terry, Millwee Terry, Lottie McCoy, Jane E. McCreary, Mary C. L. Hollis, Linnie L. Hollis, William H. Hollis, William H. Hollis, Jr., Lawrence W. Hollis, Eva M. Hollis, Lawrence W. Hollis, Jr., Beatrice M. Hollis, Scott W. Hollis, Minnie H. Nicolds, Richard Nicolds, Hollis Nicolds, Kate Nicolds, Edward Nicolds, Minnie Nicolds, Mary C. McLeod, Mary L. McLeod, Hattie E. Andrews, Max R. Andrews, Jr., Hattie E. Andrews (2), Charlie T. Skinner, Blanche L. Skinner, Thomas H. Hollis, Blanche G. Merchant, Lawrence W. Dumas, Mallie T. Dumas, Annie C. Dumas, Katie L. Dumas, Janie S. Dumas, Lawrence W. Dumas, Jr., Mary A. Wade, Edgar D. Wade, Glennan A. Wade, Willie P. Dumas, Jennie W. Dumas, Clark G. Dumas, Faris Dumas, John R. Dumas, Walter A. Dumas, Justin R. Dumas, Carrie A. Wilkerson, James A. Wilkerson, Walter D. Wilkerson, Maggie Ida Dumas, William P. Mims, Ransom E. Mims, Oscar M. Mims, William T. Mims, Frank E. Dumas, Ben M. Dumas, Edward W. Blakey, Edna Blakey, John Blakey, Nannie Black, Catherine Black, Charles H. Black, Ammon Wood, Willie A. Wood, Leslie B. Wood, Willie Wood, Ellington Wood, Edna Fry, Robert B. Shipp, Ruby B. Shipp, Maria J. Crawford, Lucille Crawford, Ghent Crawford, Ed S. Crawford, Jr., Jodie F. Crawford, Majie J. Crawford Cole, Jewel I. Cole, James A. Cole, Susie M. Cole, Christine Cole, Majie Douglass Cole, Elizabeth Baxter Caldwell, Mabel E. Caldwell, Jodie Lee Caldwell, Jennie B. H. Calhoun, Owen H. Calhoun, Edwin C. Calhoun, J. M. Crawford, Edwin Dickey Crawford, Hattie May Crawford, James M. Crawford, Jr., Ellen Lee Crawford, Robert H. Crawford, Edna M. Folliard, Crawford J. Folliard, Aileen Folliard, Cecil H. Folliard, William Richard Folliard, Everett B. Crawford, Everett B. Crawford, Jr., Edwin R. Crawford, Pinkie Creager, Margaret E. Creager, Fannie Sharp, Dan M. Sharp, Charlotte Jane Sharp, George H. Gresham, Oliver P. Gresham, Lizzie D. Gresham, Frances Margaret Gresham, Robert O. Gresham, Hill Campbell Gresham, Erma Biglow, David E. Dumas, DeBerry G. Dumas, Walter A. Dumas, Birdie D. Carlet, Glenna W. Carlet, Helen C. Carlet, Mack O. Dumas, Susan M. Hendricks, Onia Ann Stephens, Leno A. Stephens, Harold Richard Stephens, Louise Stephens, Vernon Stephens, Charles Edwin Stephens, Jr., Jackson E. Hendricks, Jr., Hallie H. Hendricks, Ruth Hendricks, Rubie Hendricks, Mary H. Decker, William H. Decker, Jr., Susan H. Decker, Helen Martin, Vera Martin, Alma Martin, Samuel Martin, John W. Dumas, Ada B. Ewing, Freda Ewing, Mabel Ewing, Minnie P. Dumas, Malinda Blanks, Arthur Blanks, William C. Blanks, Ruth J. Blanks, Mary G. Blanks, Robert E. Blanks, Robert E. Blanks, Jr., Nora E. Binford, Birdie A. Wilson, John H. Wilson, Albert G. Dumas, Arline Dumas, Lisle Dumas, Dixie Dumas, Roxanna Freeman, William Clyde Freeman, Arizona Elizabeth Daniels, Stafford Livonia Daniels, Dixie Dumas Connolly, Sybil Connolly, Frank C. Connolly, Maude Florence Clark, Irene L. Clark, May L. Brown, Murat Dumas, Eugene Dumas, Lula A. Dumas, Lena Fulton, J. Harold Fulton, Clifford C. Fulton, Lauren Scott Cannon, Josiah B. Cannon, Kathleen Cannon, Eula Umphress, Carl C. Umphress, Helen M. Umphress, Pearl Barron, Guyon Elizabeth Barron, James W. Wheat, Dumas Wheat, Ivy A. Fowler, Dan H. Dumas, Harriet Pinkey Dumas, Eula D. Shivel, Walter W. Dumas, James P. Dumas, Travis M. Dumas, Lige F. Dumas,

Verna J. Dumas, Hazel A. Dumas, Laura D. Cole, Dorothy Cole, Victoria J. Pierce, Louis Pierce, Arthur Pierce, Lee W. T. Herman, Annie B. Wallace, Gladys Wallace, Marvin Wallace, Hortense Wallace, Ferrol Wallace, Louis Dumas, Ward Lamson Dumas, Fred Dumas, Mary A. E. Dumas, Belle Leslie, Gerline Leslie, Mae D. Leslie, Lloyd Leslie, Karl Leslie, John F. Sanders, Robert D. Sanders, Cynthia Beatrice Sanders, Turner Lee Sanders, Nancy J. Whorton, Mabel Whorton, James L. Sanders, Julia A. Wells, Emsley M. Sanders, Dottie Sanders, Cora C. Bond, Callie Bond, Ray M. Bond, Clede Bond, Margaret K. Aston, Belva Lockwood Aston, Mary Jane Damron, Emma J. Damron, Claud M. Damron, Maud Damron, Lila C. Damron, Walter W. Damron, Minnie Damron, Mamie Damron, Joseph Scott Damron, William E. Aston, Eula M. Aston, Verna D. Aston, Texanna Aston, Willie Eunice Aston, Lonie H. Aston, William Edward Aston, Jr., Vic Damron, Clara Bell Damron, Hugh Ella Damron, Jimmie Otha Damron, Nora May Damron, Willie Monroe Damron, Cynthia Jane Dicken, John R. Ferguson, William T. Sanders, Louis Burke Sanders, Wilda D. Sanders, James P. Sanders, Nellie Sanders, Cora Sanders, Olive Sanders, Misseniah Ellison, Lena Nichols, Alma Ellison, Lillie Page, Marie Page, Catharine Page, Walter H. Thompson, Jeff D. Thompson, Clarence E. Thompson, James A. Thompson, Willie L. Thompson, Madeline F. Thompson, Gracie L. Thompson, Elsie Thompson, Mary L. Thompson, Minnie L. Thompson, Essie B. Thompson, Myrtle Thompson, John L. Thompson, Mary A. Ferguson, Julia A. Ferguson, Jeff Ferguson, Scotty S. Ferguson, Georgie B. Ferguson, Lovard E. Ferguson, Vergie J. Powers, Murray Powers, Maybell Powers, Willie E. Ferguson, Vergie B. Ferguson, Frank G. Ferguson, Alonzo A. Ferguson, Sue A. Thompson, May Thompson, Ada Thompson, Emma C. Canon, Emsley J. Canon, Alexander Canon, Tullie Clyde Canon, Winnie D. Canon, Delmer Canon, George Thompson, Charlie W. Thompson, Luther Bell Thompson, Mary Gertrude Thompson, George Homer Thompson, Ida Sanford, Lula Thompson Noe, Chester William Noe, Verner L. Dumas, James Don Dumas, Ella May Dumas, Claude E. Dumas, Jim Dumas, Missie E. Biggerstaff, Dora Biggerstaff, John M. Biggerstaff, Winnie Biggerstaff, Gladys Biggerstaff, Nettie A. Woolverton, Elizabeth Wood, Eula P. Niswander, Mildred Niswander, Lawrence L. Thompson, Mildred Bell Thompson, Lawrence L. Thompson, Jr., Cornelia Elizabeth Thompson and Willie Thompson as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the applications for their identification as such should be refused, and it is so ordered."

You are further advised that you will be allowed fifteen days from the date hereof within which to file arguments in this office, and that at the expiration of said time the papers in the case, together with such arguments will be forwarded to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

(S. G. D.)

Samuel Dickey

Chairman.

Registered.

MOR-5810

Muskogee, Indian Territory, January 22, 1906.

Jennie Dumas,

Elmo, Texas.

Dear Madam:

You are hereby notified that the Secretary of the Interior, on January 5, 1906, affirmed the decision of the Commission to the Five Civilized Tribes of May 15, 1903, refusing the applications of the several persons included in the consolidated Mississippi Choctaw case of Scott S. Dumas, et al., of which the application for the identification of your step-children, Willie P., Jennie W., Clark G. and Fannie Dumas, as Mississippi Choctaws, is a part.

Respectfully,

SIGNED *Tamm Dixey*.

Commissioner.

Received of the Commission to the Five Civilized Tribes one copy of the testimony of Jennie Dumas in the matter of her application for the identification of her minor children, Willie P. Dumas et al. as Mississippi Choctaws, M.C. 5810.

- J. H. Rains

Dated at Muskogee, Indian
Territory, June 30, 1902.

No. 5810

For Identification as a Mississippi Choctaw.

Date JUN 13 1902

Name Jennie Reumas.
White - for 2 children
Age 37 - Blood white

Post-Office, Elmo, Texas.
Father, William P. Reumas, 11/16 Ed.
J. Cheam

Mother: Jennie Reumas, l.w.
Children through their father -
Wm P. Reumas. (above)

Children: for whom apipⁿ
is made.

Willie P. Reumas, M.	12
Jennie W.	9
Black L.	5
Faris	" (F) 23 m

Claims for her
children -

Choctaw MCR 5811

Ben M. Dumas

See MCR 4006

MCR 5811

Department of the Interior,
Commission to the Five Civilized Tribes.
Muskogee, I. T., June 13, 1902.

#3811.

In the matter of the application of Ben M. Dumas for the
identification of himself as a Mississippi Choctaw.

J. G. Ralls, Attorney for applicant.

Ben M. Dumas being first duly sworn testifies as follows:

Examination by the Commission.

- Q What is your name? A Ben M. Dumas.
Q What is your age? A Thirty-nine.
Q Are you married? A Yes sir.
Q Have you children? A No sir.
Q Just apply for yourself? A Yes sir.
Q What is your post office address? A Elmo, Texas.
Q How long have you lived there? A About two years.
Q Where were you born? A Magnolia, Texas.
Q How long did you live there? A Until I was six years old.
Q Then where did you go? A To Nagadocha County Texas.
Q Where have you lived most of the time? A In Cherokee, Smith
Nagadocha,
Q Is your father living? A No sir.
Q Is your mother living? A No sir.
Q What was your father's name? A Lawrence W. Dumas.
Q What was your mother's name? A Antoinette Dumas.
Q Through which parent do you claim Choctaw blood? A My father.
Q How much do you claim? A One-sixteenth.
Q Has your father ever been recognized in any way or enrolled as
a Choctaw Indian by the Choctaw tribal authorities or the United
States authorities in the Indian Territory? A I don't know.
Q When and where were your father and mother married? A In
Cherokee County, Texas.
Q What day of the month and year? A I don't know.
Q Have you the proof of that marriage with you now? A No sir but
I can send it to you.
Q Are you married? A Yes sir.
Q What is your wife's name? A Reheanna S. Dumas.
Q Is she a white woman or Choctaw? A White woman.
Q Do you make any claim for her? A No sir.
Q You claim only for yourself? A Yes sir.
Q Is your name on any of the tribal rolls of the Choctaw Nation
in the Indian Territory? A No sir.
Q Have you ever made application for citizenship in the Choctaw
Nation to the Choctaw tribal authorities in the Indian Territory?
A No sir.

- Q Have you ever made application for citizenship in the Choctaw Nation to the Commission to the Five Civilized Tribes under the act of Congress of June 10, 1896? A No sir.
- Q Have you ever been admitted to citizenship in the Choctaw Nation by either the Choctaw tribal authorities, the Commission to the Five Civilized Tribes or the United States Court in the Indian Territory? A No sir.
- Q Is this the first application you have ever made of any description for citizenship in the Choctaw Nation to the Choctaw tribal authorities, the Commission to the Five Civilized Tribes or the United States Court in the Indian Territory? A Yes sir.
- Q Do you now come before the Commission to be identified as a Mississippi Choctaw claiming under article fourteen of the treaty of 1830? A Yes sir.
- Q Do you understand that article? A Yes sir.

It reads as follows:

"ARTICLE XIV. Each Choctaw head of a family being desirous to remain and become a citizen of the states shall be permitted to do so by signifying his intention to the Agent within six months from the ratification of this treaty, and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land, to be bounded by sectional lines of survey; in like manner shall be entitled to one half that quantity for each unmarried child which is living with him over ten years of age, and a quarter section to such child as may be under ten years of age, to adjoin the location of the parent. If they reside upon said lands intending to become citizens of the states for five years after the ratification of this treaty, in that case, a grant in fee simple shall issue. Said reservation shall include the present improvement of the head of the family or a portion of it. Persons who claim under this article shall not lose the privilege of a Choctaw citizen, but if they ever remove are not entitled to any portion of the Choctaw annuity."

- Q You understand that? A Yes sir.
- Q What is the name of your Choctaw ancestor through whom you claim your right to be identified as a Mississippi Choctaw? A Elizabeth Brashears.
- Q What was her husband's name? A B. V. Dumas.
- Q A white man? A Yes sir.
- Q How much Choctaw blood did she have? A One-fourth.
- Q What relation was she to you? A My grandmother.
- Q Did she live in Mississippi or Alabama? A I think on the strip of Alabama.
- Q In what county do you know? A No sir.
- Q Did she live in the old Choctaw Nation? A I don't know.
- Q Did she live there in 1830? A Yes, I think she did.
- Q Did she have a family there then? A Yes sir.
- Q Do you know how many children she had there at that time? A No sir.
- Q Do you know the names of any of them? A Yes sir.
- Q Give me the names of those you know who lived there in 1830 with their father and mother? A I don't know whether I can or not; I can give the names of some of them.
- Q Who lived in there in 1830? A I don't know.
- Q How old would Elizabeth Brashears be if living now? A I do not know sir.

- Q When and where was she born? A I do not know.
- Q When and where did she die? A I do not know sir.
- Q Where did she live the most of her life? A I think in Alabama.
- Q Do you know whether she ever removed from there? A No sir I don't.
- Q Do you know whether any of your Choctaw ancestors owned any land or claimed any land in the old Choctaw Nation in Mississippi or Alabama under Article fourteen of the treaty of 1830? A I heard that they asked for land and they said there was none for them.
- Q Who asked for land? A E. W. Dumas asked for land for his wife.
- Q He was a white man? A Yes sir.
- Q Do you know when he did this? A In 1830 I reckon, so I have been told.
- Q Who did he go to? A I don't know sir.
- Q Did you ever hear of Colonel William Ward? A No sir.
- Q Did you ever hear that E. W. Dumas went to Colonel Ward within six months after the ratification of the treaty of 1830 and tell him that he wanted to make application for his wife? A Yes sir.
- Q But you said you had never heard of Colonel Ward? A I had a letter from Scott S. Dumas stating that he had; my father and mother died when I was just a kid.
- Q Scott S. Dumas wrote and told you something about it? A Yes sir.
- Q He is an applicant to be identified as a Mississippi Choctaw? A Yes sir.
- Q Do you want to refer to his case and have it made a part of this and your case consolidated with all the cases of your relatives who claim through the same common ancestor? A Yes sir.

The case of Scott S. Dumas, M C R 4006, is here referred to for the purpose of consolidation.

- Q Did any of your Choctaw ancestors own any land or claim any land in the old Choctaw Nation in Mississippi or Alabama under article fourteen of the treaty of 1830? A I don't know.
- Q Did any of your Choctaw ancestors within six months after the ratification of the treaty of 1830 go to the United States Indian Agent, Colonel Ward, and tell him that they wanted to stay in Mississippi, take land there and become citizens of the states? A I have heard they did; I have told all I know about it.
- Q Did any of your Choctaw ancestors own any improvements on land in the old Choctaw Nation in Mississippi or Alabama in 1830? A I don't know.
- Q Did any of them go from that old Choctaw Nation to the Choctaw Nation Indian Territory with the other Indians between 1833 and 1838 or 1840? A I don't know.

The Choctaw Indians who stayed in the old Choctaw Nation after the treaty of 1830 was ratified were required if they wanted to take advantage of article fourteen of that treaty to go to the United States Indian Agent, Colonel Ward, within six months after the treaty of 1830 was ratified and tell him that they wanted to stay in Mississippi, take land there and become citizens of the states. A great many Choctaw Indians did this whose names Colonel Ward neglected to put upon his list, known as "Ward's Register". His failure to do this caused a good many of the Indians to lose their land which they held

in the old Choctaw Nation upon which they had improvements to lose both their land and improvements, both being taken from them by the government and sold at its public land sales. This caused so many complaints among the Indians that in 1837 by an act of Congress approved March 3rd of that year, a Commission was appointed; and in 1842 another Commission was appointed under an act of Congress approved August 23rd of that year; both of these commissions went to Mississippi and heard claimants under article fourteen of the treaty of 1830.

- Q Do you know if any of your Choctaw ancestors went before either of these two commissions and claimed any benefits under article fourteen of the treaty of 1830? A I have heard they did, and they said there was no land for them.
- Q This was after you said they went to Colonel Ward; that would be in 1831, and this would be in 1837 or 1842? A No sir, I don't know anything about that.
- Q Did any of your Choctaw ancestors receive any script which entitled them to select land either in Mississippi, Alabama, Louisiana or Arkansas? A I do not know.

This script was issued under an act of Congress approved August 23, 1842, and was given to those Indians who proved their right under article fourteen of the treaty of 1830, and also proved that their land had been taken from them by the government and sold.

- Q Who was Scott S. Dumas? A He is a cousin of mine.
- Q Do you speak or understand the Choctaw language? A No sir, I do not understand or speak it either.
- Q Have you any further proof or evidence or witnesses you want called now? A No sir.

By Mr. Ralls:

- Q Are you acquainted with Jennie Dumas? A Yes sir.
- Q Were you acquainted with her husband? A Yes sir.
- Q What relation was he to you? A My brother.
- Q What relation was your father to the father of Scott S. Dumas? A They were brothers.

By the Commission: This applicant has the appearance and physical characteristics of being descended from white parentage; blue eyes, brown hair, florid complexion; has no knowledge of the Choctaw language and no knowledge of the compliance on the part of his ancestors with article fourteen of the treaty of 1830 except what he gathers from family history and tradition.

F. H. Martin being first duly sworn on oath states that as stenographer to the Commission to the Five Civilized Tribes he recorded the above proceedings on the 15th day of June, 1901, and that the foregoing is a full true and correct transcript of his stenographic notes in the same.

Subscribed and sworn to before me this 15th day of June, 1901.

F. H. Martin
Notary Public.

COMMISSIONERS
TAMM BIXBY,
THOMAS B. NEEDLES
C. R. BRECKINRIDGE,
W. E. STANLEY

COPY.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

REFER IN REPLY TO THE FOLLOWING

M. C. R. 5811.

ALLISON L. AYLESWORTH,
SECRETARY

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES

MUSKOGEE, INDIAN TERRITORY, May 15, 1903.

Ben W. Dumas,

Hins, Texas.

You are hereby advised that on the 15th day of May, 1903, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Scott S. Dumas, et al., embracing the following applications for identification as Mississippi Choctaws:

Scott S. Dumas, et al.,	M. C. R. 4006
Miles G. Lantrip,	M. C. R. 4737
Mary P. Phillips, et al.,	M. C. R. 4738
Isom Lantrip,	M. C. R. 4739
William T. Brasher, et al.,	M. C. R. 4740
Andy Brasher, et al.,	M. C. R. 4741
Robert L. Brasher,	M. C. R. 4742
Albert Collums,	M. C. R. 4743
James S. Collums,	M. C. R. 4744
Thaddeus W. Dumas,	M. C. R. 5737
Aurelius W. Dumas,	M. C. R. 5726
Alexander Dumas, et al.,	M. C. R. 6113
Sharkey H. Roth,	M. C. R. 5845
Mary E. Carothers, et al.,	M. C. R. 5700
Carrie McConico, et al.,	M. C. R. 5520
Bernard A. Williams, et al.,	M. C. R. 5144
Maud Cain, et al.,	M. C. R. 5807
Claude A. Grantham, et al.,	M. C. R. 5714
James J. Dumas, et al.,	M. C. R. 5717
Sydney L. Dumas,	M. C. R. 5803
Adella Caroline Hardin, et al.,	M. C. R. 5698
Lulu K. Smith, et al.,	M. C. R. 5699
Benjamin F. Dumas,	M. C. R. 4521
James D. Dumas, et al.,	M. C. R. 4524
Ennis Palmer, et al.,	M. C. R. 5857
Maud Terry, et al.,	M. C. R. 4525
Lottie McCoy,	M. C. R. 4522
Jane E. McCreary,	M. C. R. 4523
Mary C. L. Hollis, et al.,	M. C. R. 4222
William H. Hollis, et al.,	M. C. R. 4311
Lawrence W. Hollis, et al.,	M. C. R. 4310
Minnie H. Nicolds, et al.,	M. C. R. 4312
Mary C. McLeod, et al.,	M. C. R. 4313
Hattie E. Andrews, et al.,	M. C. R. 4314
Charlie T. Skinner, et al.,	M. C. R. 4315

Thomas H. Hollis,	M. C. R. 4209
Blanche G. Merchant,	M. C. R. 4223
Lawrence W. Dumas, et al.,	M. C. R. 5731
Mary A. Wade, et al.,	M. C. R. 5822
Willie P. Dumas, et al.,	M. C. R. 5810
John R. Dumas, et al.,	M. C. R. 5701
Carrie A. Wilkerson, et al.,	M. C. R. 5703
Maggie Ida Dumas,	M. C. R. 5702
William P. Mims,	M. C. R. 5985
Ransom E. Mims, et al.,	M. C. R. 5858
Frank E. Dumas,	M. C. R. 5732
Ben M. Dumas,	M. C. R. 5811
Edward W. Blakey, et al.,	M. C. R. 5425
Nannie Black, et al.,	M. C. R. 4185
Charles H. Black,	M. C. R. 4200
Ammon Wood, et al.,	M. C. R. 4202
Willie Wood,	M. C. R. 4203
Ellington Wood,	M. C. R. 4199
Edna Fry,	M. C. R. 4286
Robert B. Shipp, et al.,	M. C. R. 4285
Maria J. Crawford, et al.,	M. C. R. 4115
Majie J. Crawford Cole, et al.,	M. C. R. 4116
Elizabeth Baxter Caldwell, et al.,	M. C. R. 4114
Jennie B. H. Calhoun, et al.,	M. C. R. 4117
J. M. Crawford, et al.,	M. C. R. 4094
Robert H. Crawford,	M. C. R. 4164
Edna M. Folliard, et al.,	M. C. R. 4168
Everett B. Crawford, et al.,	M. C. R. 4165
Edwin R. Crawford,	M. C. R. 4077
Pinkie Creager, et al.,	M. C. R. 4169
Fannie Sharp, et al.,	M. C. R. 4433
George H. Gresham,	M. C. R. 4098
Oliver P. Gresham, et al.,	M. C. R. 4095
Robert O. Gresham, et al.,	M. C. R. 4201
Erma Biglow,	M. C. R. 4435
David E. Dumas,	M. C. R. 4651
DeBerry G. Dumas, et al.,	M. C. R. 4119
Birdie D. Carlet, et al.,	M. C. R. 4123
Mack O. Dumas,	M. C. R. 4658
Susan M. Hendricks,	M. C. R. 4121
Onia Ann Stephens, et al.,	M. C. R. 4096
Jackson E. Hendricks, Jr., et al.,	M. C. R. 4126
Mary H. Decker, et al.,	M. C. R. 4122
Helen Martin, et al.,	M. C. R. 4097
John W. Dumas,	M. C. R. 5012
Ada B. Ewing, et al.,	M. C. R. 4284
Minnie P. Dumas,	M. C. R. 5011
Malinda Blanks, et al.,	M. C. R. 4118
William C. Blanks, et al.,	M. C. R. 4135
Robert E. Blanks, et al.,	M. C. R. 4139
Nora E. Binford,	M. C. R. 4125
Birdie A. Wilson, et al.,	M. C. R. 4134
Albert G. Dumas, et al.,	M. C. R. 4631
Roxanna Freeman, et al.,	M. C. R. 4850
Arizona Elizabeth Daniels, et al.,	M. C. R. 4633
Dixie Dumas Connolly, et al.,	M. C. R. 4632
Maude Florence Clark, et al.,	M. C. B. 5713
May L. Brown,	M. C. B. 5726

Murat Dumas, et al.,	M. C. R. 5715
Lula A. Dumas,	M. C. R. 5716
Lena Fulton, et al.,	M. C. R. 4144
Lauren Scott Cannon, et al.,	M. C. R. 4145
Eula Umphress, et al.,	M. C. R. 4146
Pearl Barron, et al.,	M. C. R. 4147
James W. Wheat, et al.,	M. C. R. 4695
Ivy A. Fowler,	M. C. R. 4696
Dan H. Dumas, et al.,	M. C. R. 3766
Eula D. Shivel,	M. C. R. 4075
Walter W. Dumas,	M. C. R. 4015
James P. Dumas,	M. C. R. 3503
Travis M. Dumas, et al.,	M. C. R. 4007
Verna J. Dumas, et al.,	M. C. R. 4140
Laura D. Cole, et al.,	M. C. R. 4141
Victoria J. Pierce, et al.,	M. C. R. 4066
Lee W. T. Herman,	M. C. R. 4254
Annie B. Wallace, et al.,	M. C. R. 4250
Louis Dumas, et al.,	M. C. R. 4014
Belle Leslie, et al.,	M. C. R. 4067
John F. Sanders, et al.,	M. C. R. 5445
Nancy J. Whorton, et al.,	M. C. R. 5446
James L. Sanders,	M. C. R. 5560
Julia A. Wells,	M. C. R. 5559
Emsley M. Sanders, et al.,	M. C. R. 5804
Cora C. Bond, et al.,	M. C. R. 4620
Margaret K. Aston, et al.,	M. C. R. 4562
Mary Jane Damron, et al.,	M. C. R. 5805
William E. Aston, et al.,	M. C. R. 4583
Vic Damron, et al.,	M. C. R. 4619
Cynthia Jane Dicken, et al.,	M. C. R. 4582
William T. Sanders, et al.,	M. C. R. 5444
James P. Sanders, et al.,	M. C. R. 4069
Missieniah Ellison, et al.,	M. C. R. 4154
Lillie Page, et al.,	M. C. R. 4155
Walter H. Thompson,	M. C. R. 4142
Jeff D. Thompson, et al.,	M. C. R. 4016
Mary A. Ferguson, et al.,	M. C. R. 4772
Vergie J. Powers, et al.,	M. C. R. 4773
Willie E. Ferguson, et al.,	M. C. R. 4774
Alonzo A. Ferguson,	M. C. R. 4775
Sue A. Thompson, et al.,	M. C. R. 4889
Ada Thompson,	M. C. R. 4076
Emma C. Canon, et al.,	M. C. R. 3414
Winnie D. Canon,	M. C. R. 3415
Delmer Canon,	M. C. R. 3761
George Thompson, et al.,	M. C. R. 3756
George Homer Thompson,	M. C. R. 3757
Ida Sandford,	M. C. R. 3759
Lula Thompson Noe, et al.,	M. C. R. 3760
Verner L. Dumas,	M. C. R. 5719
James Don Dumas, et al.,	M. C. R. 5720
Claude E. Dumas, et al.,	M. C. R. 5721
Missie E. Biggerstaff, et al.,	M. C. R. 5722
Nettie A. Woolverton,	M. C. R. 6185
Elizabeth Wood,	M. C. R. 6268
Eula P. Niswander, et al.,	M. C. R. 6342
Lawrence L. Thompson, et al.,	M. C. R. 6373

These applications were made under the provision of the act of Congress of June 28, 1898 (30 Stats., 495), which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto, and make report to the Secretary of the Interior."

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Scott S. Dumas, Ruth Dumas, Miles G. Lantrip, Mary P. Phillips, Early E. Phillips, Esther E. Phillips, Maud E. Phillips, Leo R. Phillips, Myrtle Phillips, Leland Phillips, Durelle Phillips, Rex Phillips, Isom Lantrip, William T. Brasher, Maltz Brasher, Vaudy Brasher, Cordy Brasher, Andy Brasher, Ada Brasher, William C. Brasher, Robert L. Brasher, Albert Collums, James S. Collums, Thaddeus W. Dumas, Aurelius W. Dumas, Alexander Dumas, Dixie M. Dumas, Melville Sidney Dumas, Charles I. Dumas, Sharkey H. Roth, Mary E. Carothers, Ida Blanche McClurg, Susie May McClurg, Ada Maud McClurg, Monroe McClurg, Carrie McConico, Nannie May Mobley, Henry Pope Mobley, Willie McConico, Bernard A. Williams, Marcellus Williams, John Williams, Vernie Williams, Maud Williams, Hattie Williams, Maud Cain, John Joseph Cain, Ida May Cain, Claude A. Grantham, Claudia May Grantham, James J. Dumas, Lawrence Dumas, Sydney L. Dumas, Adella Caroline Hardin, Ollie Caroline Hardin, Clyde Abraham Hardin, Lula K. Smith, Opal Smith, Benjamin F. Dumas, James D. Dumas, Abbie A. Dumas, James H. Dumas, Gladys Dumas, Benjamin Dumas, Ennis Palmer, Edgar Palmer, Erbert Palmer, Maud Terry, Moina Terry, Dumas Terry, Millwee Terry, Lottie McCoy, Jane E. McCreary, Mary C. L. Hollis, Linnie L. Hollis, William H. Hollis, William H. Hollis, Jr., Lawrence W. Hollis, Eva M. Hollis, Lawrence W. Hollis, Jr., Beatrice M. Hollis, Scott W. Hollis, Minnie H. Nicolds, Richard Nicolds, Hollis Nicolds, Kate Nicolds, Edward Nicolds, Minnie Nicolds, Mary C. McLeod, Mary L. McLeod, Hattie E. Andrews, Max R. Andrews, Jr., Hattie E. Andrews (2), Charlie T. Skinner, Blanche L. Skinner, Thomas H. Hollis, Blanche G. Merchant, Lawrence W. Dumas, Mollie T. Dumas, Annie C. Dumas, Katie L. Dumas, Janie S. Dumas, Lawrence W. Dumas, Jr., Mary A. Wade, Edgar D. Wade, Glennan A. Wade, Willie P. Dumas, Jennie W. Dumas, Clark G. Dumas, Faris Dumas, John R. Dumas, Walter A. Dumas, Justin R. Dumas, Carrie A. Wilkerson, James A. Wilkerson, Walter D. Wilkerson, Maggie Ida Dumas, William P. Mims, Ransom E. Mims, Oscar M. Mims, William T. Mims, Frank E. Dumas, Ben M. Dumas, Edward W. Blakey, Edna Blakey, John Blakey, Nannie Black, Catherine Black, Charles H. Black, Ammon Wood, Willie A. Wood, Leslie B. Wood, Willie Wood, Ellington Wood, Edna Fry, Robert B. Shipp, Ruby B. Shipp, Maria J. Crawford, Lucille Crawford, Ghent Crawford, Ed S. Crawford, Jr., Jodie F. Crawford, Majie J. Crawford Cole, Jewel I. Cole, James A. Cole, Susie M. Cole, Christine Cole, Majie Douglass Cole, Elizabeth Baxter Caldwell, Mabel E. Caldwell, Jodie Lee Caldwell, Jennie B. H. Calhoun, Owen H. Calhoun, Edwin C. Calhoun, J. M. Crawford, Edwin Dickey Crawford, Hattie May Crawford, James M. Crawford, Jr., Ellen Lee Crawford, Robert H. Crawford, Edna M. Folliard, Crawford J. Folliard, Aileen Folliard, Cecil H. Folliard, William Richard Folliard, Everett B. Crawford, Everett B. Crawford, Jr., Edwin R. Crawford, Pinkie Crenger, Margaret E. Creager, Fannie Sharp, Dan M. Sharp, Charlotte Jane Sharp, George H. Gresham, Oliver P. Gresham, Lizzie D. Gresham, Frances Margret Gresham, Robert O. Gresham, Hill Campbell Gresham, Erma Biglow, David E. Dumas, DeBerry G. Dumas, Walter A. Dumas, Birdie D. Carlet, Glenna W. Carlet, Helen C. Carlet, Mack O. Dumas, Susan M. Hendricks, Onia Ann Stephens, Leno A. Stephens, Harold Richard Stephens, Louise Stephens, Vernon Stephens, Charles Edwin Stephens, Jr., Jackson E. Hendricks, Jr., Hallie H. Hendricks, Ruth Hendricks, Rubie Hendricks, Mary H. Decker, William H. Decker, Jr., Susan H. Decker, Helen Martin, Vera Martin, Alma Martin, Samuel Martin, John W. Dumas, Ada B. Ewing, Freda Ewing, Mabel Ewing, Minnie P. Dumas, Malinda Blanks, Arthur Blanks, William C. Blanks, Ruth J. Blanks, Mary G. Blanks, Robert E. Blanks, Robert E. Blanks, Jr., Nora E. Binford, Birdie A. Wilson, John H. Wilson, Albert G. Dumas, Arline Dumas, Lisle Dumas, Dixie D. Dumas, Roxanna Freeman, William Clyde Freeman, Arizona Elizabeth Daniels, Stafford Livonia Daniels, Dixie Dumas Connolly, Sybil Connolly, Frank C. Connolly, Maude Florence Clark, Irene L. Clark, May L. Brown, Murat Dumas, Eugene Dumas, Lula A. Dumas, Lena Fulton, J. Harold Fulton, Clifford C. Fulton, Lauren Scott Cannon, Josiah R. Cannon, Kathleene Cannon, Eula Umphress, Carl C. Umphress, Helen M. Umphress, Pearl Barron, Guyon Elizabeth Barron, James W. Wheat, Dumas Wheat, Ivy A. Fowler, Dan H. Dumas, Harriet Pinkey Dumas, Eula D. Shivel, Walter W. Dumas, James P. Dumas, Travis M. Dumas, Lige F. Dumas,

Verna J. Dumas, Hazel A. Dumas, Laura D. Cole, Dorothy Cole, Victoria J. Pierce, Louis Pierce, Arthur Pierce, Lee W. T. Herman, Annie B. Wallace, Gladys Wallace, Marvin Wallace, Hortense Wallace, Ferrol Wallace, Louis Dumas, Ward Lamon Dumas, Fred Dumas, Mary A. E. Dumas, Belle Leslie, Gerline Leshe, Mae D. Leslie, Lloyd Leslie, Karl Leslie, John F. Sanders, Robert D. Sanders, Cynthia Beatrice Sanders, Turner Lee Sanders, Nancy J. Whorton, Mabel Whorton, James L. Sanders, Julia A. Wells, Emsley M. Sanders, Dottie Sanders, Cora C. Bond, Callie Bond, Ray M. Bond, Clede Bond, Margaret K. Aston, Belva Lockwood Aston, Mary Jane Damron, Emma J. Damron, Claud M. Damron, Maud Damron, Lila C. Damron, Walter W. Damron, Minnie Damron, Mamie Damron, Joseph Scott Damron, William E. Aston, Eula M. Aston, Verna D. Aston, Texanna Aston, Willie Eunice Aston, Lonie H. Aston, William Edward Aston, Jr., Vic Damron, Clara Bell Damron, Hugh Ella Damron, Jimmie Otha Damron, Nora May Damron, Willie Monroe Damron, Cynthia Jane Dieken, John R. Ferguson, William T. Sanders, Louis Burke Sanders, Wilda D. Sanders, James P. Sanders, Nellie Sanders, Cora Sanders, Olive Sanders, Misseniaiah Ellison, Lena Nichols, Alma Ellison, Lillie Page, Marie Page, Catharine Page, Walter H. Thompson, Jeff D. Thompson, Clarence E. Thompson, James A. Thompson, Willie L. Thompson, Madeline F. Thompson, Gracie L. Thompson, Elsie Thompson, Mary L. Thompson, Minnie L. Thompson, Essie B. Thompson, Myrtle Thompson, John L. Thompson, Mary A. Ferguson, Julia A. Ferguson, Jeff Ferguson, Scotty S. Ferguson, Georgie B. Ferguson, Loverd E. Ferguson, Vergie J. Powers, Murray Powers, Maybell Powers, Willie E. Ferguson, Vergie B. Ferguson, Frank G. Ferguson, Alonzo A. Ferguson, Sue A. Thompson, May Thompson, Ada Thompson, Emma C. Canon, Emsley J. Canon, Alexander Canon, Tullie Clyde Canon, Winnie D. Canon, Delmer Canon, George Thompson, Charlie W. Thompson, Luther Bell Thompson, Mary Gertrude Thompson, George Homer Thompson, Ida Sanford, Lula Thompson Noe, Chester William Noe, Verner L. Dumas, James Don Dumas, Ella May Dumas, Claude E. Dumas, Jim Dumas, Missie E. Biggerstaff, Dora Biggerstaff, John M. Biggerstaff, Winnie Biggerstaff, Gladys Biggerstaff, Nettie A. Woolverton, Elizabeth Wood, Eula P. Niswander, Mildred Niswander, Lawrence L. Thompson, Mildred Bell Thompson, Lawrence L. Thompson, Jr., Cornelia Elizabeth Thompson and Willie Thompson as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the applications for their identification as such should be refused, and it is so ordered."

You are further advised that you will be allowed fifteen days from the date hereof within which to file arguments in this office, and that at the expiration of said time the papers in the case, together with such arguments will be forwarded to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

(SIGNED).

James Dwyer

Chairman.

Registered.

MCR-6811

COPY.

Muskogee, Indian Territory, January 22, 1906.

Ben M. Dumas,
Elmo, Texas.

Dear Sir:

You are hereby notified that the Secretary of the Interior, on January 5, 1906, affirmed the decision of the Commission to the Five Civilized Tribes of May 15, 1903, refusing the applications of the several persons included in the consolidated Mississippi Choctaw case of Scott S. Dumas, et al., of which, your application for identification as a Mississippi Choctaw is a part.

Respectfully,

SIGNED, *James D. Dumas*

Commissioner.

No. 5811

For Identification as a Mississippi Choctaw.

Date

JUN 13 1902

Name Ben M. Thomas

Age 39 — Blood 1/16 —

Post-Office, Elmo, Texas. —

Father: Lawrence W. Thomas, d.

Mother: Antoinette " d.

Claims through father
wife, Sophronia E. Thomas, d.
No claim for wife —

~~Children:~~

claims for sep
alone

Photographer W. H. Martin



Choctaw MCR 5812

John Williams

See MCR 6153

MCR 5812

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., June 13, 1902.

#5812.

In the matter of the application of John Williams for the identification of himself and his minor child, Clarence Williams, as Mississippi Choctaws.

John Williams being first duly sworn testifies as follows:

Examination by the Commission:

- Q What is your name? A John Williams.
Q What is your age? A Twenty-one.
Q Are you married? A Yes sir.
Q Any children? A One.
Q What is your post office address? A Marvin, Oklahoma.
Q How long have you lived at Marvin? A Near ten years.
Q Where did you live before that? A Chickasaw, Indian Territory.
Q How long did you live in that place? A Five years.
Q Where were you born? A Montague County, Texas.
Q And from there you went to the Territory? A Yes sir.
Q Is your father living? A Yes sir.
Q Is your mother living? A Yes sir.
Q What is your father's name? A James Williams.
Q Give his full name? A James A. J. Williams.
Q He has made application to be identified as a Mississippi Choctaw under that name has he not? A Yes sir.
Q What is your mother's name? A Henrietta Williams.
Q You claim through your father? A Yes sir.
Q How much Choctaw blood do you claim? A I don't know; he claims one eighth.
Q You claim through him don't you? A Yes sir.
Q You claim one half of what he claims do you now; do you know how much that would be? A No sir.
Q One-half of one-eighth is one-sixteenth, and you say he claims one-eighth? A Yes sir.
Q Is your claim of one-sixteenth right then? A Yes sir.
Q Has your father ever been recognized or enrolled as a member of the Choctaw tribe of Indians by the Choctaw Tribal authorities or the United States authorities in the Indian Territory? A No sir.
Q Have you the proof of the marriage of your father and mother with you? A Yes sir.
Q Where is it? A They have got it; I have not got it with me.
Q Where was your father married? A In Mississippi.
Q What place in Mississippi and what day of the month and year? A I don't know.
Q How long ago? A Not long.

Q What is your wife's name? A Edna Williams.

The sworn statement of J. N. B. Frazier and Samantha Hollingsworth, who stated they were present at the marriage of this applicant's father, James A. J. Williams, and his mother, Henrietta Frazier, in Atella County, Mississippi, on or about the 15th day of September, 1888, presented by the applicant, received, filed, marked "Exhibit A", and made a part of the record in this case.

Q Is your wife, Edna, a white woman or Indian? A White woman.
 Q She is living now? A Yes sir.
 Q Do you make any claim for her? A No sir.
 Q Give me the name of your child? A Clarence Williams.
 Q How old is Clarence? A Eleven months old.
 Q Is that all the children you have? A Yes sir.
 Q Is Edna Williams the mother of this child? A Yes sir.
 Q When and where were you married to her? A In Oklahoma City, the 8th day of January, two years ago.
 Q By a Minister under a license? A Yes sir, I have that right here. (Presents a paper)

The certificate of marriage on the 8th day of January, 1900, at Oklahoma City, Territory of Oklahoma, between Edna Herring and John Williams presented by the applicant, received, filed, marked "Exhibit B", and made a part of the record in this case.

Q Have you ever made application for citizenship in the Choctaw Nation to the Choctaw tribal authorities in the Indian Territory? A No sir.
 Q Is your name on any of the tribal rolls of the Choctaw Nation in the Indian Territory? A No sir.
 Q Have you ever made application for citizenship in the Choctaw Nation to the Commission to the Five Civilized Tribes under the act of Congress of June 10, 1889? A No sir.
 Q Have you ever been admitted to citizenship in the Choctaw Nation by either the Choctaw tribal authorities, the Commission to the Five Civilized Tribes or the United States Court in the Indian Territory? A No sir.
 Q Is this the first application you have ever made of any description for citizenship in the Choctaw Nation to any authority whatever? A Yes sir.
 Q Do you now come before the Commission to be identified as a Mississippi Choctaw, claiming under article fourteen of the treaty of 1830? A Yes sir.
 Q Do you understand that article of that treaty? A Not for certain.

The treaty of 1830 was made between the United States government and the Choctaw Indians at a place in Mississippi called Dancing Rabbit Creek on the 27th day of September of that year, and was made for the purpose of removing as far as practicable all the Choctaw Indians who lived in that old Choctaw Nation east of the Mississippi river to the Choctaw Nation, Indian Territory. Before the treaty was signed it became known that a good many Choctaw Indians would not go to that Choctaw Nation in the Indian Territory, and to protect these Indians Article fourteen was drafted and put into the treaty of 1830, and it was for the purpose of those Choctaw Indians who stayed back in the old Choctaw Nation, and Article

as follows:

"ARTICLE XIV. Each Choctaw head of a family being desirous to remain and become a citizen of the states shall be permitted to do so, by signifying his intention to the Agent within six months from the ratification of this treaty, and he or she shall hereupon be entitled to a reservation of one section of six hundred and forty acres of land; to be bounded by sectional lines of survey; in like manner shall be entitled to one half that quantity for each unmarried child which is living with him over ten years of age, and a quarter section to such child as may be under ten years of age, to adjoin the location of the parent. If they reside upon said lands intending to become citizens of the states for five years after the ratification of this treaty, in that case, a grant in fee simple shall issue; said reservation shall include the present improvement of the head of the family or a portion of it. Persons who claim under this article shall not lose the privilege of a Choctaw citizen, but if they ever remove are not entitled to any portion of the Choctaw annuity".

- Q You think you understand that now so you can claim under it?
 A I don't hardly know. I think I do.
- Q Do you understand the reason why that treaty was made, what it accomplished? A Yes sir.
- Q Then you think you do understand it well enough to make this application under it? A Yes sir.
- Q What is the name of your Choctaw ancestor through whom you claim your right to be identified as a Mississippi Choctaw?
 A My father.
- Q But don't you know through whom he claims? A Through his father.
- Q What was his father's name? A I don't tell you, - his name was John Williams.
- Q Give me the name of your ancestor who lived in Mississippi or Alabama in 1830 if you can? A I don't exactly understand that.
- Q Do you know what I mean by ancestor? I mean your kin in a direct line back from whom you are descended, your father or mother and his father or mother, your great grandfather or great grandmother, going back to 1830, 72 years ago? A No, I can't go back that far.
- Q Give me the name of the ancestor through whom your father claims his right as far back as you can? A I am his son and he is a son of John Williams, my grandfather.
- Q What was the name of the wife of John Williams, your grandmother? A I don't know much that far back.
- Q How much Choctaw blood did John Williams, the father of your father have? A I don't know, my father said he was an eighth.
- Q And you claim one sixteenth? A Yes sir.
- Q And John Williams would be one half? A Yes I think so.
- Q Did John Williams, your grand father live in Mississippi?
 A I think so, yes sir.
- Q How do you know that? A It was always talked that way.
- Q That is a part of your family history is it? A Yes sir.
- Q Did he live there in 1830? A I can't tell you about that.
- Q Do you know whether he lived in the old Choctaw Nation in Mississippi or Alabama and had a family of children there in 1830? A I don't know.

- Q Do you know whether he was the head of a family there then?
A No sir I don't know.
- Q Did any of your Choctaw ancestors own any land or claim any land in the old Choctaw Nation in Mississippi or Alabama under article fourteen of the treaty of 1830? A No sir I don't think they did.
- Q You can not tell anything about your grandfather's father or mother? A No sir.
- Q Never heard anything about them? A No sir.
- Q Never heard anything about your ancestors very far back? A That is as far back as I know.
- Q Did any of your Choctaw ancestors own any improvements on land in the old Choctaw Nation in Mississippi or Alabama in 1830? A Not that I know of.
- Q Did any of your Choctaw ancestors go from that old Choctaw Nation east of the Mississippi river to the Choctaw Nation, Indian Territory, with the other Indians between 1833 and 1838? A Not that I know of.
- Q Did any of your Choctaw ancestors within six months after the ratification of the treaty of 1830 go to Colonel Ward, the United States Indian Agent, and tell him that they wanted to stay in Mississippi, take land there and become citizens of the state? A No sir, I don't think they did.

In 1837 by an act of Congress approved March 3rd of that year a commission was appointed which went to Mississippi and heard claimants under article fourteen of the treaty of 1830; also in 1842 by an act of Congress approved August 23 of that year another commission was appointed which went to Mississippi and heard claimants under article fourteen of the treaty of 1830. The reason why these two commissions were appointed was because of the complaint of a great many Choctaw Indians who stayed in Mississippi after the treaty of 1830 was ratified, and claimed that they went before Colonel Ward within six months after the ratification of the treaty of 1830, and attempted to register under article fourteen of that treaty as required by that article, but that Colonel Ward, the United States Indian Agent, neglected to put their names upon his list known as "Ward's Register", and his neglect caused a good many Indians to lose their land and improvements in Mississippi and Alabama in the old Choctaw Nation; the government took both from them and sold them at its public land sales. Therefore these two commissions were appointed.

- Q Do you know whether any of your Choctaw ancestors went before either of these two commissions and claimed any benefits under article fourteen of that treaty? A No sir.
- Q Did you ever hear that any of your Choctaw ancestors received any script from the government which entitled them to select land in Mississippi, Alabama, Louisiana or Arkansas to be taken from vacant government land? A No sir.

This script was issued under an act of Congress approved August 23, 1842, and was given to those Choctaw Indians who proved their rights under article fourteen of the treaty of 1830, and also proved that they had had land which was taken from them by the government and sold.

Q What relation are you to James A. J. Williams? A He is my father.

Q Do you want to have your case and his consolidated? A Yes sir.

The case of James A. J. Williams, M & R 5571, is here referred to for the purpose of consolidation.

Q Have you any papers or other evidence that you want to introduce at this time? A No sir.

Fifteen days time is allowed this applicant from the date of this application in which to introduce any other proper evidence in support of this application.

Q Do you speak the Choctaw language? A No sir.

This applicant has the appearance and personal characteristics of being descended from white parentage; light complexion; blue eyes; very light hair; he has no knowledge of the Choctaw language and no knowledge of the compliance on the part of his ancestors with any of the provisions of article fourteen of the treaty of 1830.

W H Martin being first duly sworn on oath states that as stenographer to the Commission to the Five Civilized Tribes he recorded the above proceedings on the 15th day of June, 1902, and that the foregoing is a full, true and correct transcript of his stenographic notes in the same.

W. H. Martin

Subscribed and sworn to before me this 18th day of June, 1902.

Clara M. Hall
Notary Public.

COPY.

Muskogee, Indian Territory, February 11, 1903.

John Williams,

Marvin, Oklahoma.

Dear Sir:

You are hereby advised that on the 11th day of February, 1903, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Dicie V. Wren, et al., embracing the following applications for identification as Mississippi Choctaws:

Dicie V. Wren, et al.,	M.C.R. 6153,
John Wren,	M.C.R. 6154,
Robert Williams, et al.,	M.C.R. 5808,
Nannie Butler, et al.,	M.C.R. 5814,
Emma Bogges, et al.,	M.C.R. 5813,
John Williams, et al.,	M.C.R. 5812,
Millie Bogges, et al.,	M.C.R. 5815.

These applications were made under the provision of the Act of Congress of June 28, 1898 (30 Stats., 495), which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses, and perform all other acts necessary thereto, and make report to the Secretary of the Interior."

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Dicie V. Wren, Elvin L. Wren, Melvina Wren, John Wren, Robert Williams, Bessie Williams, Claud Williams, Nannie Butler, Carrie Lee Butler, Willie C. Butler, William L. Butler, Emma Bogges, Beulah Bogges, Alvin W. Bogges, John Williams, Clarence Williams, Millie Bogges and Rosie Bogges, as Choctaw Indians entitled to rights in the Choctaw

J. W. # 2.

taw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the applications for their identification as such should be refused, and it is so ordered."

You are further advised that you will be allowed fifteen days from the date hereof within which to file arguments in this office, and that at the expiration of said time the papers in the case, together with such arguments, will be forwarded to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

(SIGNED)

Tame Bixby.

Acting Chairman.

Registered.

M C R 5812

COPY.

Muskogee, Indian Territory, July 16, 1903.

John Williams,

Marvin, Oklahoma.

Dear Sirs

You are hereby notified that on the 25th day of May 1903, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Elsie V. Wren et al., of which decision you were advised by registered mail on the 11th day of February, 1903.

Respectfully,

(SIGNED)

I. B. Needles.
Commissioner in Charge.

No. 5812 -

For Identification as a Mississippi Choctaw.

Date

1917

Name John Williams,

Age 21 - Blood, 1/16

Post-Office, Marvin, OKla -

Father: James A. J. Williams - l.

Mother: Henrietta " l.

Claims through father -
wife, Edna Williams, l. w.
No claim for wife.

Children:

Clarence Williams, 11 m

Claims for self &
child -

Stenographer H. H. Martin -

Choctaw MCR 5813

Emma Bogges

See MCR 6153

MCR 5813

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., June 15, 1902.

1993

In the matter of the application of Emma Bogges for the identification of herself and her two minor children, Neulah Bogges and Alvin W Bogges, as Mississippians.

News: Emma Naggar being first duly sworn testifies as fol-

Examination by the Commission.

- Q What is your name? A Heman Beggs.
Q What is your age? A Twenty-two.
Q What is your post office address? A Marvin, Oklahoma Territory.
Q How long have you lived at Marvin? A Ten years.
Q Where did you live before that? A Chickasaw.
Q How long did you live in the Chickasaw Nation? A Five years.
Q Where before that? A In Texas.
Q Were you born in Texas? A Yes sir.
Q Where in Texas? A Montague County.
Q Is your father living? A Yes sir.
Q Is your mother living? A Yes sir.
Q What is your father's name? A James A J Williams.
Q What is your mother's name? A Henrietta Williams.
Q You claim your Choctaw blood through which parent? A Father.
Q How much do you claim? A He claims an eighth, I don't know how much that would make me.
Q How much would you claim if your father was one-eighth? A I don't know.
Q One-half of what he claims would you not? A Yes sir.
Q That would be one-sixteenth? A Yes sir.
Q Do you claim that? A Yes sir.
Q Has your father ever been recognized or enrolled as a member of the Choctaw tribe of Indians by the Choctaw tribal authorities or the United States authorities in the Indian Territory? A No sir.
Q What relation are you to John Williams who has just made application? A He is my brother.
Q The affidavit of two witnesses who were present and saw your father and mother married has been filed in his case has it not? A Yes sir.
Q Do you want to refer to the records in that case for such proof as it contains? A Yes sir.
Q Do you want to have your case consolidated with that of other relatives of yours under the head of your father's case, James A. J. Williams? A Yes sir.

The cost of Judge A. J. Williams E. J. E. NEVI, is
here referred to for the purpose of consolidation.

- Q Are you married? A Yes sir.
- Q What is your husband's name? A Jim Bogges.
- Q Is he living? A Yes sir.
- Q A white man? A Yes sir.
- Q You make no claim for him as a Choctaw Indian? A No sir.
- Q How many children have you? A Two.
- Q What is the name of the oldest? A Beulah Bogges.
- Q How old is Beulah? A Four years old.
- Q What is the name of the next? A Alvin W. Bogges.
- Q A boy? A Yes sir.
- Q How old is Alvin? A Nearly two years.
- Q Do you claim for yourself and these children? A Yes sir.
- Q Is Jim Bogges the father of these children? A Yes sir.
- Q Are you living with your husband and these children all together at your home? A Yes sir.
- Q Were either you or your husband married before you married each other? A No sir.
- Q Is your name on any of the tribal rolls of the Choctaw Nation in the Indian Territory? A No sir.
- Q Have you ever made application for citizenship in the Choctaw Nation to the Choctaw tribal authorities in the Indian Territory? A No sir.
- Q Have you ever made application for citizenship in the Choctaw Nation to the Commission to the Five Civilized Tribes under the act of Congress of June 10, 1896? A No sir.
- Q Have you ever been admitted to citizenship in the Choctaw Nation with your children by either the Choctaw tribal authorities, the Commission to the Five Civilized Tribes or the United States court in the Indian Territory? A No sir.
- Q This is the first application you have ever made for the enrollment of yourself and children as Choctaw Indians to any authority whatever? A Yes sir.
- Q Do you now come before the Commission to be identified and to identify these children as Mississippi Choctaws, claiming under article fourteen of the treaty of 1830? A Yes sir.
- Q Do you understand that article of that treaty? A Yes sir.
- Q You do not care to have it explained any further? A No sir.

It reads as follows:

"ARTICLE XIV. Each Choctaw head of a family being desirous to remain and become a citizen of the states shall be permitted to do so, by signifying his intention to the Agent within six months from the ratification of this treaty, and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land, to be bounded by sectional lines of survey; in like manner shall be entitled to one half that quantity for each unmarried child which is living with him over ten years of age, and a quarter section to such child as may be under ten years of age, to adjoin the location of the parent. If they reside upon said lands intending to become citizens of the states for five years after the ratification of this treaty, in that case, a grant in fee simple shall issue. Said reservation shall include the present improvement of the head of a family or a portion of it.

Persons who claim under this article shall not lose the privilege of a Choctaw citizen, but if they ever remove are not entitled to any portion of the Choctaw annuity.

- Q Do you think you understand that article? A Yes, I think I do.
- Q What is the name of your ancestor through whom you claim your right to be identified as a Mississippi Choctaw? A My father is James Williams and my grandpa, John Williams, is as far back as I can tell you.
- Q Do you know whether any of your Choctaw ancestors complied or attempted to comply with article fourteen of the treaty of 1830? A No sir.
- Q How much Choctaw blood did John Williams have? A My father's father?
- Q Yes? A I can not tell you.
- Q You claim one-sixteenth and your father one-eighth? A Yes sir.
- Q Now then one-fourth is twice as much as one-eighth, is that right? A I reckon, I can't tell you.
- Q Did he live in Mississippi at any time? A Yes, I think so.
- Q How old would he be if living now? A I can't tell you.
- Q Did he live there 72 years ago, in 1830? A I think he did.
- Q He lived there in 1830? A I don't know, I never heard anything about it.
- Q I want to know if you did, if you ever heard that he lived in Mississippi in 1830? A No sir.
- Q You do not know if he was the head of a family in Mississippi in 1830? No sir.
- Q Can you give me the name of any Choctaw ancestor who lived in the old Choctaw Nation in Mississippi or Alabama in 1830 who was the head of a family there at that time? A No sir.
- Q You are not able to go back further than your grandfather, John Williams? A No sir I ain't.
- Q Never heard your father say anything about anybody else? A No sir.
- Q This is absolutely all you have ever heard in the family? A Yes sir.
- Q Do you know whether any of your Choctaw ancestors owned any land or claimed any land in Mississippi or Alabama under article fourteen of the treaty of 1830? A No sir.
- Q Did any of your Choctaw ancestors within six months after the ratification of the treaty of 1830 go to the United States Indian Agent, Colonel Ward, at his agency in Mississippi, and tell him that they wanted to stay in Mississippi, take land there and become citizens of the state? A I don't know.
- Q Did any of your Choctaw ancestors own any improvements on land in Mississippi or Alabama in 1830 in the old Choctaw Nation? A I don't know.
- Q Did any of your Choctaw ancestors go from that old Choctaw Nation east of the Mississippi river to the Choctaw Nation, Indian Territory, with the other Indians between 1833 and 1838 or 1840? A Not that I know of.

In 1837 under an act of Congress approved March 3rd of that year, and also in 1842 under an act of Congress approved August 3rd of that year, commissions were appointed to go to Mississippi and hear claimants under article fourteen of the

4

treaty of 1830; these commissions were appointed because of the complaint of Choctaw Indians who said they had gone to Colonel William Ward within six months after the ratification of the treaty of 1830 under article fourteen of that treaty and attempted to register under him; but that he refused or neglected to put their names upon his list, known as "Ward's register"; this caused a good many complaints among the Choctaw Indians who had lands in the old Choctaw Nation which lands were taken from them by the government and sold at its public land sales; and on account of this neglect on the part of the United States Indian Agent these commissions were appointed, one in 1837 and the other in 1842.

- Q Do you know if any of your Choctaw ancestors went before either of these two commissions and claimed any benefits under article fourteen of the treaty of 1830? A No sir.

In 1842 under an act of Congress approved Aug. 23rd of that year, script was issued, or certificates, and given to those Choctaw Indians who proved their rights under article fourteen of the treaty of 1830, and also proved that they had had land in the old Choctaw Nation which the government had taken from them and sold.

- Q Did any of your Choctaw ancestors receive any such script from the government? A No sir.

This script was issued to those Indians who proved these two points, and entitled them to select land either in Mississippi, Alabama, Louisiana or Arkansas to be taken from vacant government land.

- Q Do you speak the Choctaw language? A No sir.
Q Have you any other proof that you want to submit at this time? A No sir.

Fifteen days time is allowed this applicant in which to introduce other testimony if she desires in support of this application which she makes for herself and her two minor children.

This applicant has the appearance and physical characteristics of being descended from white parentage; medium light complexion; blue eyes; light brown hair. Has no knowledge of the Choctaw language and no knowledge of the compliance on the part of her ancestors with any of the provisions of article 14 of the treaty of 1830.

W H Martin being first duly sworn on oath states that as stenographer to the Commission to the Five Civilized Tribes he recorded the above proceedings on the 15th day of June, 1902, and

that the foregoing is a full, true and correct transcript of his
stenographic notes in the same?

W. H. Martin

Subscribed and sworn to before me this 18th day of June, 1902.

Chas. Mitchell
Notary Public

M.C.R. 5813.

COPY.

Muskogee, Indian Territory, February 11, 1903.

Emma Begges,

Marvin, Oklahoma.

Dear Madam:

You are hereby advised that on the 11th day of February, 1903, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Dicie V. Wren, et al., embracing the following applications for identification as Mississippi Choctaws:

Dicie V. Wren, et al.,	M.C.R. 6153
John Wren,	M.C.R. 6154
Robert Williams, et al.,	M.C.R. 5808
Hannie Butler, et al.,	M.C.R. 5814
Emma Begges, et al.,	M.C.R. 5813
John Williams, et al.,	M.C.R. 5812
Millie Begges, et al.,	M.C.R. 5815.

These applications were made under the provision of the Act of Congress of June 28, 1898 (30 Stats., 495), which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses, and perform all other acts necessary thereto, and make report to the Secretary of the Interior."

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Dicie V. Wren, Elvin L. Wren, Melvina Wren, John Wren, Robert Williams, Bessie Williams, Claud Williams, Hannie Butler, Carrie Lee Butler, Willie C. Butler, William L. Butler, Emma Begges, Beulah Begges, Alvin W. Begges, John Williams, Clarence Williams, Millie Begges and Rosie Begges as Choctaw Indians entitled to rights in the Choctaw

E. B. # 2.

taw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the applications for their identification as such should be refused, and it is so ordered."

You are further advised that you will be allowed fifteen days from the date hereof within which to file arguments in this office, and that at the expiration of said time the papers in the case, together with such arguments, will be forwarded to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

(SIGNED).

Tams Dixie.
Acting Chairman.

Registered.

N. C. R. 8813.

Muskogee, Indian Territory, July 26, 1903.

Emma Begges,

Maryin, Oklahoma.

Dear Madam:-

You are hereby notified that on the 25th day of May, 1903, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Dicie V. Wren et al., of which decision you were advised by registered mail on the 11th day of February, 1903.

Respectfully,

(SIGNED)

T. B. Needles.

Commissioner in Charge.

" No. 5813

For Identification as a Mississippi Choctaw.

Date JUN 13 1902

Name Emma Bogges.

Age 22 - Blood 1/16

Post-Office, Marvin, Okla.

Father: James A. J. Williams, l.

Mother: Henrietta " l.

Claims through father -
husband

Jim Bogges, l. w.

No claim for husband

Children:

Beulah Bogges, 4

Alvin " M. 2

Claims for self &
children -

Stenographer

W. H. Martin.

Choctaw MCR 5814

Nannie Butler

See MCR 6153

MCR 5814

Department of the Interior,
Commission to the Five Civilized Tribes.
Muskogee, I. T., June 13, 1902.

#3314.

In the matter of the application of Nannie Butler for the identification of herself and her three minor children, Carrie Lee, Willie S., and William L. Butler, as Mississippi Choctaws.

Nannie Butler being first duly sworn testifies as follows:

Examination by the Commission.

- Q What is your name? A Nannie Butler.
Q What is your age? A Twenty-seven.
Q What is your post office address? A McLoud, Oklahoma Territory.
Q How long have you lived at McLoud? A Ten years.
Q Where did you live before that? A Chickasaw.
Q How long did you live in the Chickasaw Nation? A Five years.
Q Where did you live before that? A Texas.
Q Were you born in Texas? A Yes sir.
Q Where in Texas? A Johnson County.
Q Is your father living? A Yes sir.
Q Is your mother living? A Yes sir.
Q What is your father's name? A James A. J. Williams.
Q He has made application to be identified as a Mississippi Choctaw before the Commission within a month or two? A Yes sir.
Q What is your mother's name? A Henrietta Williams.
Q Through which parent do you claim your Choctaw blood? A My father.
Q How much Choctaw blood do you claim? A My father is an eighth and I guess that would make me a sixteenth.
Q What relation are you to John Williams who made application today before the Commission? A He is my brother.
Q The proof of marriage of your father and mother is filed in his case; do you want to refer to his case for such evidence as it contains in support of your own? A Yes sir.
Q Are you married? A Yes sir.
Q What is your husband's name? A V. B. Butler.
Q Is he living? A Yes sir.
Q And a white man? A A white man.
Q Do you make any claim for him as a Choctaw Indian? A No sir.
Q How many children have you? A Three.
Q Give me the name of the eldest? A Carrie Lee Butler.
Q How old is Carrie? A Six years old in August, five now.
Q What is the name of the next? A Willie S. Butler.
Q How old? A Four.

- Q The name? A William L. Butler.
- Q How old is he? A A little over a year old.
- Q Is that all? A Yes sir.
- Q Is your name on any of the tribal rolls of the Choctaw Nation in the Indian Territory? A No sir.
- Q Is V. B. Butler the father of these children? A Yes sir.
- Q And they are all living with you and your husband at your home? A Yes sir.
- Q Were you or he ever married before you married each other? A No sir.
- Q Have you ever made application for citizenship in the Choctaw Nation to the Choctaw tribal authorities in the Indian Territory? A No sir.
- Q Have you ever made application for citizenship in the Choctaw Nation to the Commission to the Five Civilized Tribes under the act of June 10, 1896? A No sir.
- Q Have you ever been admitted to citizenship with your children or your oldest child, Carrie Butler, by either the Choctaw tribal authorities, the Commission to the Five Civilized Tribes or the United States Court in the Indian Territory? A No sir.
- Q Is this the first application you have ever made for yourself and children for citizenship in the Choctaw Nation to either the Choctaw tribal authorities or the United States authorities in the Indian Territory? A Yes sir.
- Q Do you now come before the Commission to identify yourself and these children as Mississippi Choctaws? A Yes sir.
- Q Do you claim under article fourteen of the treaty of 1830? A Yes sir.
- Q Do you understand that article? A I claim that I am trying to get my right by my father's side and he claims an eighth.
- Q Do you understand article fourteen of the treaty of 1830 that I have been talking about? A No sir.

The treaty of 1830 was made at a place in Mississippi called Dancing Rabbit Creek between the United States government and the Choctaw Indians on the 27th day of September, 1830. It was made for the purpose of removing the Choctaw Indians from the old Choctaw Nation east of the Mississippi river to the Choctaw Nation, Indian Territory. Before the treaty was signed it became known that a good many Choctaw Indians would not go to the Choctaw Nation, Indian Territory, under the treaty, and in order to protect the interests of those Indians who stayed back there article fourteen was drafted and put into the treaty of 1830, and that article reads as follows:

"ARTICLE XIV. Each Choctaw head of a family being desirous to remain and become citizens of the states shall be permitted to do so by signifying his intention to the Agent within six months from the ratification of this treaty, and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land, to be bounded by sectional lines of survey; in like manner shall be entitled to one half that quantity for each unmarried child which is living with him over ten years of age, and a quarter section to such child as may be under ten years of age, to adjoin the location of the parent. If they reside upon said lands intending to become citizens of the states for five years after

the ratification of this treaty, in that case, a grant in fee simple shall issue. Said reservation shall include the present improvement of the head of the family or a portion of it. Persons who claim under this article shall not lose the privilege of a Choctaw citizen, but if they ever remove are not entitled to any portion of the Choctaw annuity."

- Q You understand that do you now? A Yes sir.
- Q What is the name of your ancestor through whom you claim your right to be identified as a Mississippi Choctaw? A James Williams.
- Q He is your father? A Yes sir.
- Q Does he claim through his father or mother? A His father.
- Q What is his name? A John Williams.
- Q Your grandfather? A Yes sir.
- Q How much Choctaw blood did he have? A I don't know sir.
- Q How old would he be if living now? A I don't know sir.
- Q Do you know whether he claimed through his father or mother? A No sir.
- Q You can not give any Choctaw ancestor of yours any further back than John Williams, your grandfather? A No sir.
- Q Did John Williams live in Mississippi at any time? A Yes sir.
- Q Did he live in the old Choctaw Nation in 1830, and was he the head of a family there then? A I don't know.
- Q Where did he die? A I don't know sir.
- Q When and where was he born? A I don't know that.
- Q Where did he live the most of his life, in Mississippi, or where? A I don't know sir.
- Q You never heard your father speak of any ancestor of his going back further than his own father, John Williams? A That is all.
- Q Do you remember hearing anybody in the family speak of any ancestor further back than that? A No sir I don't.
- Q You never heard that John Williams lived in the old Choctaw Nation in 1830? A No sir.
- Q Did any of your Choctaw ancestors own any land or claim any land in the old Choctaw Nation in Mississippi or Alabama under article fourteen of the treaty of 1830? A I don't know sir.
- Q Did any of your Choctaw ancestors within six months after the ratification of the treaty of 1830 go to the United States Indian Agent, Colonel Ward, and tell him that they wanted to stay in Mississippi, take land there, and become citizens of the state? A I can not tell you.
- Q Did any of your Choctaw ancestors own any improvements on land in the old Choctaw Nation in Mississippi or Alabama in 1830? A I don't know sir.
- Q Did any of your Choctaw ancestors go from that old Choctaw Nation to the Choctaw Nation, Indian Territory with the other Indians between 1833 and 1838 or 1840? A I can't tell you that.

The Choctaw Indians who stayed back there in the old Choctaw Nation east of the Mississippi river after the treaty of 1830 was ratified refusing to go to the Choctaw Nation, Indian Territory with the other Indians under the treaty in order to take advantage of article fourteen of the treaty of 1830 were required to go to the United States Indian Agent within six months after the ratification of the treaty, and

4

tell him that they intended to stay in Mississippi, take land there and become citizens of the states. A great many Choctaw Indians did this whose names Colonel Ward neglected to register; and as a result of this neglect a great many Indians in the old Choctaw Nation who held land upon which they had improvements lost both their lands and improvements, both were taken from them by the government and sold at its public land sales. This caused so many complaints among the Indians that in 1837 as well as in 1842 commissions were appointed under various acts of Congress which went to Mississippi and heard claimants under article fourteen of the treaty of 1830.

- Q Did any of your Choctaw ancestors go before either of these two commissions and claim any benefits under article fourteen of the treaty of 1830? A I don't know sir.
- Q Did any of your Choctaw ancestors receive any script from the government which entitled them to select land either in Mississippi, Alabama, Louisiana or Arkansas to take the place of land which they had once occupied in the old Choctaw Nation, and which the government had taken from them and sold? A No sir.
- Q Is James A. J. Williams your father? A Yes sir.
- Q Is Emma Boggs your sister? A Yes sir.
- Q John Williams your brother? A Yes sir.
- Q And who is Robert Williams? A He is my brother.
- Q Do you want to have all of these cases consolidated under the head of your father? A Yes sir.

The case of James A. J. Williams, M. C. P. 5571, is here referred to for the purpose of consolidation.

- Q Do you want to introduce any other testimony now? A No sir.
- Q Do you want any time in which to introduce other testimony? A No sir.
- Q You don't want fifteen days time? A Fifteen days time then.

Fifteen days time is allowed this applicant in which to introduce other testimony if she desires in support of this claim.

- Q Do you speak the Choctaw language? A No sir.
- Q Is there anything more you want to say in support of this claim? A No sir, I ain't got nothing else to say only I am an Indian by blood by my father's side.
- Q But you are not able to go back very far to show your ancestors? A I ain't able to go back any further than my father.

You do not only want to show your Choctaw blood, but a compliance of article fourteen of the treaty of 1830 on the part of some ancestor who lived in the old Choctaw Nation and was married and had a family there in 1830.

This applicant has the appearance and physical characteristics of being descended from white parentage; light brown hair, blue eyes; somewhat tanned from exposure to the sun, otherwise her complexion would not be dark; does not understand the Choctaw language, and has no knowledge of the compliance on the part of her ancestors with any of the provisions of article fourteen of the treaty of 1830. She is

unable to go back further in her line of descent than to John Williams, her grandfather, whom she states lived in Mississippi, but does not know when he lived there, or if he had a family there or not.

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V H Martin being first duly sworn on his oath states that as stenographer to the Commission to the Five Civilized Tribes he recorded the above proceedings on the 15th day of June, 1908, and that the foregoing is a full, true and correct transcript of his stenographic notes in the same.

W. H. Martin

Subscribed and sworn to before me this 20th day of June, 1908.

Comutah...
Notary Public.

M.C.R. 5814.

COPY.

Muskogee, Indian Territory, February 11, 1903.

Nannie Butler,
McCloud, Oklahoma.

Dear Madam:

You are hereby advised that on the 11th day of February, 1903, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Dicie V. Wren, et al., embracing the following applications for identification as Mississippi Choctaws:

Dicie V. Wren, et al.,	M.C.R. 6153,
John Wren,	M.C.R. 6154,
Robert Williams, et al.,	M.C.R. 5806,
Nannie Butler, et al.,	M.C.R. 5814,
Emma Bogges, et al.,	M.C.R. 5813,
John Williams, et al.,	M.C.R. 5812,
Millie Bogges, et al.,	M.C.R. 5815.

These applications were made under the provision of the Act of Congress of June 28, 1898 (30 Stats., 496), which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses, and perform all other acts necessary thereto, and make report to the Secretary of the Interior."

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Dicie V. Wren, Elvin L. Wren, Melvina Wren, John Wren, Robert Williams, Bessie Williams, Claud Williams, Nannie Butler, Carrie Lee Butler, Willie C. Butler, William L. Butler, Emma Bogges, Beulah Bogges, Alvin W. Bogges, John Williams, Clarence Williams, Millie Bogges and Rosie Bogges, as Choctaw Indians entitled to rights in the Cho-

N. B. # 2.

tax lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the applications for their identification as such should be refused, and it is so ordered."

You are further advised that you will be allowed fifteen days from the date hereof within which to file arguments in this office, and that at the expiration of said time the papers in the case, together with such arguments, will be forwarded to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

(SIGNED).

Jams Bixby.
Acting Chairman.

Registered.

M. C. R. 5814.

COPY.

Muskogee, Indian Territory, July 16, 1903.

Mamie Butler,

McCloud, Oklahoma.

Dear Madam:-

You are hereby notified that on the 28th day of May, 1903, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Dicie V. Wren et al., of which decision you were advised by registered mail on the 11th day of February, 1903.

Respectfully,

SIGNED

I. B. Needles.

Commissioner in Charge.

M C R 5814

Muskogee, Indian Territory, December 2, 1903.

Nannie Butler,
Linden, Oklahoma.

Dear Madam:

Receipt is hereby acknowledged of your letter of the 23rd ultimo, in which you state "I am informed that my sister Ida Henderson has established her rights before your Commission & received her Papers now I wish to know why I have not been allowed the same rights."

In reply you are informed that it appears from our records that on May 25, 1903, the Secretary of the Interior approved the decision of the Commission refusing the application made by you for the identification of yourself and minor children as Mississippi Choctaws, of which departmental action you were duly notified on July 16, 1903.

It also appears from our records that on November 5, 1902, the Secretary of the Interior approved the decision of this Commission refusing the Mississippi Choctaw application of Ida Henderson, et al., of which departmental action she was advised on November 15, 1902.

The Commission now considers both of these cases closed,

N B 2

and it is not believed that either you or Ida Henderson are in any manner entitled to possessory rights of the tribal property of the Choctaw and Chickasaw Nations.

Respectfully,

Chairman.

No. JUN 13 1902

5814

For Identification as a Mississippi Choctaw.

Date

JUN 13 1902

Name *Nannie Butler*

Age *27* - Blood *1/16* -

Post-Office, *McCloud, Okla.*

Father, *James A. Williams* - *l*

Mother *Kennetha* " *l*

Claims through *Father*,
Husband,

V. B. Butler, *l*.

No claim for husband

Children.

Carrie Lee Butler, *6*

Willie C. " " *4*

William L. " " *1*

Claims for self
and children -

W. H. Martin

Choctaw MCR 5815

Millie Bogges

See MCR 6153

MCR 5815

Department of the Interior,
Commission to the Five Civilized Tribes.
Muskogee, I. T., June 15, 1902.

73915.

In the matter of the application of Millie Bogges for the identification of herself and her minor child, Rosie Bogges, as Mississippi Choctaws.

Millie Bogges being first duly sworn testifies as follows:

Examination by the Commission.

- Q What is your name? A Millie Bogges.
Q What is your age? A Nine-teen.
Q What is your post office address? A Marvin, Oklahoma Territory.
Q How long have you lived there? A A Ten years.
Q Where were you born? A Texas.
Q Where in Texas? A I don't know where.
Q How long did you live in Texas? A I don't know.
Q From Texas you went where? A Chickasaw.
Q How long did you live in the Chickasaw Nation? A Five years.
Q Then you went to Oklahoma? A Yes sir.
Q Is your father living? A Yes sir.
Q Is your mother living? A Yes sir.
Q What is your father's name? A James A. J. Williams.
Q What is your mother's name? A Henrietta Williams.
Q You claim through your father or mother? A My father.
Q How much do you claim? A One-sixteenth.
Q Has your father ever been recognized or enrolled as a member of the Choctaw tribe of Indians by the Choctaw tribal authorities or the United States authorities in the Indian Territory? A No sir.
Q What relation is John Williams to you? who made application today to be identified as a Mississippi Choctaw? A My brother.
Q The proof of the marriage of your father and mother, as evidenced by the affidavit of two witnesses is filed in his case; do you want to refer to that record in this case, and have it made a part of this? A Yes sir.
Q Are you married? A Yes sir.
Q What is your husband's name? A Charlie Bogges.
Q Is he living? A He is dead.
Q He was a white man? A Yes.
Q How long has he been dead? A He died last February.
Q Have you any children of whom he was the father? A Yes sir.
Q Is that the only child you have? A Yes sir.
Q Give me the name of that child? A Rosie Bogges.
Q How old is Rosie? A Seven months old.

- Q That is all the children you wish to apply for? A Yes sir.
- Q You claim for yourself and this child? A Yes sir.
- Q Is your name on any of the tribal rolls of the Choctaw Nation in the Indian Territory? A I don't know.
- Q Have you ever made application for citizenship in the Choctaw Nation to the Choctaw tribal authorities in the Indian Territory? A No sir.
- Q Have you ever made application for citizenship in the Choctaw Nation to the Commission to the Five Civilized Tribes under the act of Congress of June 10, 1896? A No sir.
- Q Have you ever been admitted to citizenship in the Choctaw Nation either by the Choctaw tribal authorities, the Commission to the Five Civilized Tribes or the United States Court in the Indian Territory? A I don't know.
- Q You ought to know? A No sir, I never have.
- Q Is this the first application for citizenship in the Choctaw Nation you have ever made to any authority whatever? A Yes sir.
- Q Do you now come before the Commission to be identified and to identify this child as Mississippi Choctaws? A Yes sir.
- Q Do you claim under article fourteen of the treaty of 1830? A Yes sir.
- Q Do you understand that article? A No sir I don't.

The Treaty of 1830 was made between the United States government and the Choctaw Indians at a place in Mississippi called Dancing Rabbit Creek on the 27th day of September of that year. The object of the treaty was to remove as far as practicable all of the Choctaw Indians who lived in the old Choctaw Nation east of the Mississippi river to the Choctaw Nation, Indian Territory. Before the treaty was signed it became known that a good many Choctaw Indians would not go to the Choctaw Nation, Indian Territory, and to protect the interests of those who remained in the old Choctaw Nation article fourteen was drafted and put into the treaty and later on the treaty was ratified. Article fourteen reads as follows:

"ARTICLE XIV. Each Choctaw head of a family being desirous to remain and become a citizen of the states shall be permitted to do so by signifying his intention to the Agent within six months from the ratification of this treaty, and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land, to be bounded by sectional lines of survey; in like manner shall be entitled to one half that quantity for each unmarried child which is living with him over ten years of age, and a quarter section to such child as may be under ten years of age, to adjoin the location of the parent. If they reside upon said lands intending to become citizens of the states for five years after the ratification of this treaty, in that case, a grant in fee simple shall issue; said reservation shall include the present improvement of the head of the family, or a portion of it. Persons who claim under this article shall not lose the privilege of a Choctaw citizen, but if they ever remove are not entitled to any portion of the Choctaw annuity."

- Q You understand that article? A Yes sir.
- Q Did any of your Choctaw ancestors comply or attempt to comply with any of the provisions of that article of the treaty of 1830? A I don't know.

- Q What is the name of your ancestor through whom you claim your right to be identified as a Mississippi Choctaw? A My father.
- Q Go back further if you can? A John Williams.
- Q Who was he? A Pa's father.
- Q Your grandfather? A Yes sir.
- Q How much Choctaw blood did he have? A I don't know.
- Q Do y u know the name of his wife? A No sir.
- Q Did he live in Mississippi in the old Choctaw Nation in 1830? A I don't know.
- Q Did you ever hear that he lived there? A No sir.
- Q Never heard that he did? A Yes sir he lived there but I don't know how long.
- Q Do you know if he lived there 78 years ago? A No sir.
- Q How old would he be if living now? A I don't know.
- Q Where did he live the most of his life? A I do not know.
- Q Did he speak the Choctaw language? A I don't know.
- Q Did he have a Choctaw Indian name? A I don't know.
- Q You do not know whether he lived in the old Choctaw Nation in Mississippi in 1830 and was the head of a family there then? A No sir.
- Q Can you give me the name of any Choctaw ancestor who did live there at that time, going back further than John Williams? A No sir I can't.
- Q Did you ever hear your father, James A. J. Williams, speak about any Choctaw ancestors of his further back than his father, John Williams? A No sir.
- Q How long since you have known you were a Choctaw Indian? A I don't know.
- Q You have always claimed to be a Choctaw Indian? A Yes sir.
- Q All your life? A I don't know.
- Q You do not like to be a Choctaw Indian do you? A Yes sir.
- Q How long since you wanted to be one? A I don't know.
- Q Just a short time ago? A Yes sir.
- Q When you heard about the land over here? A I don't know.
- Q Did any of your Choctaw ancestors own any land or claim any land in Mississippi or Alabama under article fourteen of the treaty of 1830? A No sir.
- Q Did any of your Choctaw ancestors within six months after the ratification of the treaty of 1830 go to the United States Indian Agent, Colonel Ward, and tell him that they wanted to stay in Mississippi, take land there and become citizens of the states? A I don't know.
- Q Did any of your Choctaw ancestors own any improvements on land in the old Choctaw Nation in Mississippi or Alabama in 1830? A I don't know.
- Q Did any of your Choctaw ancestors go from that old Choctaw Nation east of the Mississippi river to the Choctaw Nation, Indian Territory, with the other Indians between 1833 and 1838 or 1840? A I don't know

The Choctaw Indians who lived in the old Choctaw Nation east of the Mississippi river and stayed there after the treaty of 1830 was ratified were required if they wanted to take advantage of article fourteen of that treaty to go to the United States Indian Agent, Colonel Ward, within six months after the ratification of the treaty of 1830, and tell him that they wanted to stay in Mississippi, take land there and become citizens of the states. A great many Choctaw Indians did this whom names Colonel Ward neglected to put upon his list known as "Ward's register"; and his neglect caused a good many Choctaw Indians who had land in the old Choctaw Nation upon which they had improvements, to lose both their land and improvements, while a

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were taken and sold by the government at its public land sales. This caused so many complaints, that in 1837 by an act of Congress approved March 3rd of that year a Commission was appointed by Congress which went to Mississippi and heard claimants under article fourteen of the treaty of 1830; and in 1842 by an act of Congress approved August 23rd of that year another Commission was appointed for the same purpose; this commission also went to Mississippi and heard claimants under article fourteen of the treaty of 1830.

- Q Did any of your Choctaw ancestors go before either of these two Commissions and claim any benefits as Choctaw Indians under that article? A I don't know.
- Q Did any of your ancestors receive any script from the government as Choctaw Indians which entitled them to select land either in Mississippi, Alabama, Louisiana or Arkansas? A I don't know.

This script was issued under an act of Congress approved August 23rd, 1842, and was issued to those Choctaw Indians who proved their claim under article fourteen of the treaty of 1830 and further proved that they had had land taken from them by the government and sold.

- Q Do you know whether any of your Choctaw ancestors received any such script? A No sir I don't know.
- Q Has your father, James A. J. Williams, made application to be identified as a Mississippi Choctaw? A Yes sir.
- Q When did he come before the Commission do you know? A No sir.
- Q Within a month or so? A I don't know how long it has been.
- Q Would you like to have his case and the cases of other relatives of yours considered together with this case? A Yes sir.

The case of James A. J. Williams, M. C. R. 5571, is here referred to for the purpose of consolidation.

- Q Have you any other evidence that you want to introduce now? A No sir.
- Q Do you care for any time in which to introduce further testimony? A Yes sir.

Fifteen days time is allowed this applicant in which to introduce any proper evidence in support of this application.

- A Do you speak the Choctaw language? A No sir.

This applicant has the appearance and physical characteristics of being descended from white parentage; brown hair; dark brown eyes; medium dark complexion; she does not understand the Choctaw language and has no knowledge of the compliance on the part of her ancestors with any of the provisions of article 14 of the treaty of 1830.

W H Martin being first duly sworn on oath states that as stenographer to the Commission to the Five Civilized Tribes he recorded the above proceedings on the 13th day of June, 1902, and

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that the foregoing is a full, true and correct transcript of his
stenographic notes in the same.

W. H. Martin

Subscribed and sworn to before me this 20th day of June, 1902.

Charles H. Adams

Notary Public.

COPY.

M.C.R. 5815.

Muskogee, Indian Territory, February 11, 1903.

Millie Bogges,

Marvin, Oklahoma.

Dear Madam:

You are hereby advised that on the 11th day of February, 1903, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Dicie V. Wren, et al., embracing the following applications for identification as Mississippi Choctaws:

Dicie V. Wren, et al.,	M.C.R. 6153,
John Wren,	M.C.R. 6154,
Robert Williams, et al.,	M.C.R. 5808,
Nannie Butler, et al.,	M.C.R. 5814,
Emma Bogges, et al.,	M.C.R. 5813,
John Williams, et al.,	M.C.R. 5812,
Millie Bogges, et al.,	M.C.R. 5815.

These applications were made under the provision of the Act of Congress of June 28, 1898 (30 Stats., 495), which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses, and perform all other acts necessary thereto, and make report to the Secretary of the Interior."

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Dicie V. Wren, Elvin L. Wren, Melvina Wren, John Wren, Robert Williams, Bessie Williams, Claud Williams, Nannie Butler, Carrie Lee Butler, Willie C. Butler, William L. Butler, Emma Bogges, Beulah Bogges, Alvin W. Bogges, John Williams, Clarence Williams, Millie Bogges and Essie Bogges, as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the

M. B. # 2.

treaty of eighteen hundred and thirty, and that the applications for their identification as such should be refused, and it is so ordered."

You are further advised that you will be allowed fifteen days from the date hereof within which to file arguments in this office, and that at the expiration of said time the papers in the case, together with such arguments, will be forwarded to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

REIGNED.

James Bixby.
Acting Chairman.

Registered.

M. C. R. 5815.

COPY:

Muskogee, Indian Territory, July 16, 1903.

Willie Boggs,

Marvin, Oklahoma.

Dear Madam:-

You are hereby notified that on the 28th day of May, 1903, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Dicie V. Wren et al., of which decision you were advised by registered mail on the 11th day of February, 1903.

Respectfully,

T. B. Needles.
Commissioner in Charge.

No. 5815

For Identification as a Mississippi Choctaw.

Date

JUN 1st 1902

Name *Millie Bogges.*

Age *19* — Blood *1/16* —

Post-Office, *Marvin, Okla.,* —

Father: *James A. J. Williams - l,*

Mother: *Henrietta " l,*

Claims through father — —
Humbert
Charlie Bogges, d. w

Children:

Rosie Bogges. 7 m.

*Claims for self &
child -*

W. H. Martin

Choctaw MCR 5816

John C. Robinson

See MCR 5817, 5748

Supplemental To 3995

MCR 5816

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application of John C. Robinson, et al., for identification as Mississippi Choctaw, consolidating the applications of:

John C. Robinson M.C.R. 5016
 Charles F. Robinson, et al " 5017
 Clarence V. Robinson " 5018

List of papers forwarded to the Secretary of the Interior
 comprising the record in the consolidated case of
 John C. Robinson, et al.

(Page)

Original application of John C. Robinson before the Dawes Commission for identification as a Mississippi Choctaw	1
Original application of Charles F. Robinson, et al., before the Dawes Commission for identification as Mississippi Choctaw	2
Certificate of marriage of Charles Robinson and Carrie Hogue	12
Original application of Clarence V. Robinson before the Dawes Commission for identification as a Mississippi Choctaw	14
Decision of the Commission regarding the consolidated application of John C. Robinson, et al., for identification as Mississippi Choctaw	20

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., June 13, 1902.

#3216.

In the matter of the application of John G. Robinson for
the identification of himself as a Mississippi Choctaw.

John G. Robinson being first duly sworn testifies as follows:

Examination by the Commission.

- Q What is your name? A John G. Robinson.
Q What is your post-office address? A Crowder City, I. T., is
the place I live now, and the post office is there,—
Q How long have you lived at Crowder City or in the neighborhood
of there? A Just a short time.
Q How long have you lived in the Indian Territory all to-
gether? A Quite a while off and on; I have been out differ-
ent times for quite a while.
Q Have you been out to live or on business? A Out to live some
business kept me out.
Q Off and on how long have you lived in the Indian Territory?
A Ever since '88.
Q Did you say how old you were? What is your age? A 28 years old.
Q Where were you born? A In Kentucky.
Q What place? A Laurel County.
Q When did you leave Kentucky? A In 1884.
Q And went where? A To Kansas and from Kansas to the Indian
Territory.
Q How long did you live in Kansas? A Two years.
Q Where have you lived elsewhere for short periods while in the
Territory? A In Texas a while, Colorado a while, and pretty
near all over the western country.
Q Have you been at any place for three years continuously during
the last ten years? A Yes, I have been at Guthrie, while I
was deputy United States Marshal, for three years; I have been
working at that more or less, and as an officer of other kinds
for a good many years.
Q Is your father living? A No sir.
Q Is your mother living? A No sir.
Q What was your father's name? A William Robinson.
Q What was your mother's name? A Almira Robinson.
Q Through which parent do you claim your Choctaw blood? A My
father.
Q How much do you claim? A One-eighth.

- Q Has your father ever been recognised or enrolled as a member of the Choctaw tribe of Indians by the Choctaw tribal authorities or the United States authorities in the Indian Territory?
A Yes, sir, I think he has.
- Q That is has he been put on the rolls of the Choctaw Nation?
A Yes sir, I think he was, he was in Mississippi.
- Q I mean in the Indian Territory? A No, not in the Indian Territory.
- Q Did he ever live in the Indian Territory? A No sir.
- Q Do you know when and where your father and mother were married?
A In Tennessee.
- Q Do you remember the day of the month and the year? A I don't remember that.
- Q Were they married under a license by a Minister? A Yes, I think so.
- Q Have you the proof of their marriage with you? A No, I have not.
- Q Are you married? A Yes sir.
- Q What is your wife's name? A Carrie Robinson.
- Q Is she living? A Yes sir.
- Q Is she a white woman of Indian? A White woman.
- Q Do you make any claim for her? A No sir.
- Q How many children have you under twenty one and unmarried? A I haven't got any under twenty-one.
- Q You claim for yourself alone then? A Yes sir.
- Q Is y ur name on any of the tribal rolls of the Choctaw Nation in the Indian Territory? A No sir.
- Q Have you ever made application for citizenship in the Choctaw Nation to the Choctaw tribal authorities in the Indian Territory? A No sir.
- Q Have you ever made application for citizenship in the Choctaw Nation to the Commission to the Five Civilized Tribes under the act of Congress of June 10, 1896? A No sir.
- Q Is this the first application of any description you have ever made for citizenship in the Choctaw Nation to any authority whatever? A Yes sir.
- Q Have you ever been admitted to citizenship in the Choctaw Nation by the Choctaw tribal authorities, the Commission to the Five Civilized Tribes or the United States Court in the Indian Territory? A No sir.
- Q Do you now desire to be identified as a Mississippi Choctaw claiming under article fourteen of the treaty of 1830? A Yes sir.
- Q Do you understand that article? A Yes sir.

It reads as follows:

"ARTICLE XIV. Each Choctaw head of a family being desirous to remain and become a citizen of the states shall be permitted to do so, by signifying his intention to the Agent within six months from the ratification of this treaty, and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land, to be bounded by sectional lines of survey; in like manner shall be entitled to one half that quantity for each unmarried child which is living with him over ten years of age, and a quarter section

to such child as may be under ten years of age, to adjoin the location of the parent. If they reside upon said lands for intending to become citizens of the states for five years after the ratification of this treaty, in that case, a grant in fee simple shall issue. Said reservation shall include the present improvements of the head of the family, or a portion of it. Persons who claim under this article shall not lose the privilege of a Choctaw citizen, but if they ever remove are not entitled to any portion of the Choctaw annuity."

- Q Did any of your Choctaw ancestors comply or attempt to comply with article fourteen of the treaty of 1830? A Yes, I think they did.
- Q Who was it, what ancestor of yours? A My father and an uncle or two.
- Q I mean going back as far as you can to the year 1830; what is the name of a Choctaw ancestor who lived in the old Choctaw Nation at that time? A John Robinson, Jim Robinson, and Tom Robinson.
- Q What relation was Thomas Robinson to you? A He was a brother of my father's.
- Q Now, it is necessary for you to show that you had a direct ancestor from whom you are regularly descended who lived in Mississippi or Alabama in 1830 and who complied with article fourteen of the treaty of 1830; now you claim through your father? A Yes, and my grandfather, Thomas Robinson.
- Q And do you go back further than your grandfather, Thomas Robinson? A My great grandfather.
- Q What was his name? A John Robinson.
- Q Did he live in Mississippi or Alabama in 1830? A I am not certain if he was; but his mother was there.
- Q And his son, Thomas? A Yes sir.
- Q Did Thomas live in Mississippi? A He was born there, I think he was born in Mississippi, I am now positive if he was born in Mississippi or North Carolina.
- Q Of all of your Choctaw ancestors who was the one who lived in the old Choctaw Nation and was the head of a family there in 1830? A My great grandfather, John Robinson.
- Q What was his wife's name? A Mary Cloud, before he married her.
- Q A white woman? A She was a full blood Choctaw.
- Q How much Choctaw blood did her husband have? A He was a white man.
- Q Then you go back to Mary Cloud who married John Robinson? A Yes sir.
- Q And you think she lived in the old Choctaw Nation in Mississippi in 1830? A Yes sir, the family did at least; I won't be so positive that she lived there; I think he was dead at that time.
- Q Was Mary Cloud living at that time? A Yes, she was alive then.
- Q If she was living in Mississippi in 1830 did she have children living with her at that time? A She had children there at that time.
- Q Did she comply in any way with article fourteen of the treaty of 1830? A I think she did.
- Q What did she do? A I am not positive about that proof.
- Q You say you think she complied with it, what makes you think that? A I have heard it talked through my father.
- Q But you do not know in what way? A No sir I don't.

- Q How old would she be if living now? A Way over a hundred years old.
- Q How many children did she have, do you know? A I think she had seven or eight.
- Q Which of them would be over 72 years old now, if you know? A All would be over 72 years old.
- Q And were they all born in Mississippi? A There was one or two born in North Carolina, the balance in Mississippi.
- Q Do you know in what years she lived in North Carolina? A No I don't.
- Q Your father was born in North Carolina was he not? A He was born in Kentucky, but then went to Mississippi.
- Q Was his father born in Mississippi? A Yes sir.
- Q That was Thomas Robinson? A Yes sir.
- Q How old would Thomas Robinson be if living now? A He would be a hundred years old.
- Q Did he have any children born in Mississippi? A My grandfather, yes, he had some born there.
- Q Then would not he have been living in Mississippi in 1830 and had a family there then? A Yes sir.
- Q Then Thomas Robinson is your Choctaw ancestor who lived in Mississippi in 1830? A Yes sir.
- Q That would be your grandfather? A Yes sir.
- Q Thomas Robinson got his Choctaw blood through his mother, Mary Cloud? A Yes, he was a half blood Choctaw.
- Q What was the name of Thomas Robinson's wife? A McNeal.
- Q Full name? A I believe Martha McNeal, Mary McNeal is her name.
- Q She was a white woman? A Yes sir.
- Q And Thomas Robinson is the one who lived in Mississippi in 1830 and had a family there then, was the head of a family? A Yes sir.
- Q And he claims his Choctaw blood through Mary Cloud, a full blood Choctaw Indian who married John Robinson, your great grandfather? A Yes sir.
- Q You get this from family history and tradition do you? A Yes sir., and what I have heard my father talk before he died.
- Q Did any of your Choctaw ancestors own any land or claim any land in the old Choctaw Nation under article fourteen of the treaty of 1830? A Yes I think they did.
- Q Who did? I think John Robinson and Tom.
- Q Was John Robinson your father? A He was my uncle.
- Q I don't want to go on an outside branch; did any of your direct ancestors own any land in the old Choctaw Nation? A Tom Robinson, my grandfather, did.
- Q Did he own any land under article fourteen of the treaty of 1830? A I don't know, I think he did though.
- Q Where was that land located? A It was in Mississippi if he had any. I think he had some there.
- Q You are not quite sure about that? A I would not want to swear to it.
- Q Did he own any improvements on land in the old Choctaw Nation in 1830? A He owned improvements there I knew, because I have heard my father say so.
- Q What did they consist of? A I don't know.
- Q Where was that land located upon which he had improvements? A It was in the old Choctaw reservation in Mississippi.
- Q Did you ever see anybody that saw it, or saw a deed of it or any record of it? A I have heard my uncle, John, the eldest son, talk about it.
- Q Where does he live now? A He is dead.

- Q How old was he when he died? A He was seventy odd years old.
 Q How long has he been dead? A Quite a while.
 Q About how many years? A He died in '75 or '80, about '80 I believe.
 Q He would be 78 years old now if living? A He would be 80 odd years old if living now.
 Q Did any of your Choctaw ancestors go from that old Choctaw Nation east of the Mississippi river to the Choctaw Nation, Indian Territory, between 1833 and 1838? A There was some of them but I don't know which ones, I have kinder lost track of the ones that stayed in the Choctaw tribe that come here to this country; there is plenty of them in this country.

The Choctaw Indians who stayed in the old Choctaw Nation after the treaty of 1830 was ratified were required if they wanted to take advantage of article fourteen of the treaty of 1830, to go to the United States Indian Agent, Colonel Ward, within six months from the ratification of the treaty, and tell him they wanted to stay in Mississippi, take land there and become citizens of the states. A good many Choctaw Indians did this whose names Colonel Ward failed to put upon his list known as "Ward's Register". This caused a great many Indians to lose their lands in the old Choctaw Nation upon which they had improvements, both lands and improvements being taken from them by the government and sold at its public land sales. This caused so many complaints among the Indians that in 1837 under an act of Congress approved March 3rd of that year a commission was appointed which went to Mississippi and heard claimants under article fourteen of the treaty of 1830; in 1842 another commission was appointed under an act of Congress approved August 23rd of that year, which also went to Mississippi and heard claimants under article fourteen of the treaty of 1830.

- Q Did any of your Choctaw ancestors receive any script from the government which entitled them to select land either in Mississippi, Alabama, Louisiana or Arkansas? A I do not think they did.
 Q Did any of your ancestors go before either of these two commissions and claim any benefits under article fourteen of the treaty of 1830? A Tom Robinson, my grandfather, did.
 Q Which one? A I do not know which one. I have heard my father say he did.
 Q Did that have anything to do with the application he made to the United States Indian Agent within six months after the ratification of the treaty of 1830? A I don't know. He did not get the benefit of any land I know.
 Q If he went before either of these commissions, either in 1837 or 1842, he either got land or else was refused, do you know whether he received land under either one of these commissions or was refused? A He was not refused.
 Q He must have got land, did he? A He left there and went to Kentucky.
 Q If he went before the commission of 1837 or 1842 and had land decreed to him why did he not stay there and use it, or why did he not take land in Mississippi, Louisiana or Alabama or Arkansas; you say he went to Kentucky, did he get his land and sell it and go? A He did not sell any land.
 Q How do you get this information? A Through my father when he was alive.

- Q But you do not know much more about it; you do not know that he got any script from the government? A No sir

This script was issued under an act of Congress approved August 23rd, 1842, and authorized the Indian who received it to select land in Alabama, Mississippi, Louisiana or Arkansas, and was issued to those Indians who proved their right under article fourteen of the treaty of 1836, and also proved that they had their land taken from them by the government and sold.

- Q But you do not know anything about that? A No sir.
 Q Have any relatives of yours been before the Commission to be identified as Mississippi Choctaws? A Yes sir.
 Q Who? A Margaret E. Johnson.
 Q And your son here? A Yes sir.
 Q What is his name? A Clarence Robinson, and a cousin, -
 Q Who was the first of your relatives who came here to be identified as a Mississippi Choctaw? A My sister I guess was the first one.
 Q What was her name? A Emily Castle.
 Q That is your sister? A Yes sir.
 Q Would you like to have your case consolidated with the cases of other relatives of yours who have been before the Commission making application through the same common ancestor? A Yes sir.
 Q Is Clarence Robinson your son? A Yes sir., Mary Stuart is my sister.

The case of Clarence W. Robinson, M O R 2742, son of the applicant, and the case of Mary Stuart, M O R 1201, are here referred to for the purpose of consolidation.

- Q Is there any evidence you want to introduce now, Mr. Robinson, is there anything more you would like to say in support of this claim? A No, I guess that is all.

This applicant has the appearance and physical characteristics of being descended from white parentage; dark complexion, dark eyes and dark hair, very nearly black, and his mustache is lighted.

- Q Do you understand the Choctaw language? A No sir, I used to understand a little of it, but have forgotten it.

He does not speak or understand the Choctaw language and has no knowledge of the compliance on the part of his ancestors with the provisions of article fourteen of the treaty of 1830.

V M Martin being first duly sworn on oath states that as stenographer to the Commission to the Five Civilized Tribes he

Recorded the above proceedings on the 15th day of June, 1902,
and that the foregoing is a full, true and correct transcript of
his stenographic notes in the same.

W. H. Martin

Subscribed and sworn to before me this 21st day of June, 1902.

Charles H. Wood

Notary Public.

25 W
C.W.

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application of John G. Robinson, et al., for identification as Mississippi Choctaws, consolidating the applications of-

John G. Robinson	H.O.R. 8816
Charles F. Robinson, et al	" 8817
Clarence W. Robinson	" 8748

--: D E C I S I O N :--

It appears from the record herein that applications for identification as Mississippi Choctaws were made to this Commission by John G. Robinson for himself; by Charles F. Robinson for himself and his minor child, Myrtle Robinson; and by Clarence W. Robinson for himself, under the following provision of the Act of Congress approved June 22, 1898 (30 Stat., 498):

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto and make report to the Secretary of the Interior."

It also appears that all of said applicants claim rights in the Choctaw lands under article fourteen of the treaty between

the United States and the Cheetaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, by reason of being descendants of Mary Robinson (nee Cloud), who is alleged to have been a full blood Cheetaw Indian and to have resided in Mississippi in eighteen hundred and thirty.

It further appears from the evidence submitted in support of said applications, and from the records in the possession of the Commission, that none of said applicants has ever been enrolled by the Cheetaw tribal authorities as a member of the Cheetaw tribe, or admitted to Cheetaw citizenship by a duly constituted court or committee of the Cheetaw Nation, or by the Commission to the Five Civilized Tribes, or by a decree of the United States Court in Indian Territory, under the provisions of the act of Congress approved June 10, 1896 (29 Stats., 321).

It does not appear from the testimony and evidence offered in support of said applications, or from the records in the possession of the Commission relating to persons who complied or attempted to comply with the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and to persons who heretofore were claimants thereunder, that the said Mary Robinson (nee Cloud), or ancestors less remote, signified (in person or by proxy) to Colonel Wm. Ward, Indian Agent, Cheetaw Agency, an intention to comply with the provisions of said article fourteen, or presented a claim to rights thereunder to either of the Commissions authorized to adjudicate such claims by the acts of Congress approved March 3, 1887 (5 Stats., 120) and August 22, 1848 (5 Stats., 515).

It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of John C. Robinson, Charles F. Robinson, Myrtle Robinson and Clarence W. Robinson, as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the applications for their identification as such should be refused, and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES,

(SIGNED)

James Bixby.

Acting Chairman.

(SIGNED)

T. B. Needles.

Commissioner.

(SIGNED)

C. R. Breckinridge.

Commissioner.

Muskogee, Indian Territory.

JAN 15 1903

M C R 5816

Muskogee, Indian Territory, January 15, 1903.

John C. Robinson,

Crowder City, Indian Territory.

Dear Sir:

You are hereby advised that on the 15th day of January, 1903, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of John C. Robinson, et al., embracing the following applications for identification as Mississippi Choctaws:

John C. Robinson,	M C R 5916
Charles F. Robinson, et al.,	M C R 5917
Clarence W. Robinson	M C R 5748

These applications were made under the provision of the act of Congress of June 28, 1898 (30 Stats., 496), which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto, and make report to the Secretary of the Interior."

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of John C. Robinson, Charles F. Robinson, Myrtle Robinson and Clarence W. Robinson, as Choctaw Indians entitled to rights in

J. C. R-2.

the Chectaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the applications for their identification as such should be refused, and it is so ordered."

You are further advised that you will be allowed fifteen days from the date hereof within which to file arguments in this office, and that at the expiration of said time the papers in the case, together with such arguments will be forwarded to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

(SIGNED)

T. B. Neceles.

Commissioner in Charge.

Registered.

Muskogee, Indian Territory, January 15, 1903.

Mansfield, McMurray & Cornish,

Attorneys for the Choctaw and Chickasaw Nations,
South McAlester, Indian Territory.

Gentlemen:

You are hereby advised that on the 15th day of January, 1903, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of John C. Robinson, et al., embracing the following applications for identification as Mississippi Choctaws:

John C. Robinson,	M C R 5816
Charles F. Robinson, et al.,	M C R 5817
Clarence W. Robinson,	M C R 5743

These applications were made under the provision of the act of Congress of June 26, 1898 (30 Stats., 495), which is as follows:

"Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of John C. Robinson, Charles F. Robinson, Myrtle Robinson and Clarence W. Robinson, as Choctaw Indians claiming rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the applications for their identification as such should be refused, and it is so ordered."

You are further advised that the applicants in this case have been allowed fifteen days from the date hereof within which

M M& C-2.

to file arguments in this office, and that at the expiration of said time the papers in the case, together with such arguments will be forwarded to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

(SIGNED).

T. E. Needles.

Commissioner in Charge.

COPY.

Smokeegee, Indian Territory, January 31, 1903.

The Honorable,

The Secretary of the Interior.

Sir:

There is herewith transmitted the record in the consolidated case of John C. Robinson, et al., applicants to the Commission for identification as Mississippi Choctaws, including the decision of the Commission of January 15, 1903.

The above consolidated case embraces the following original applications for identification as Mississippi Choctaws heard by the Commission:

John C. Robinson,	M.C.R. 5816
Charles F. Robinson, et al.,	M.C.R. 5817
Clarence W. Robinson,	M.C.R. 5748

The Commission has the honor to report that the principal applicants in the several separate applications and the attorneys for the Choctaw and Chickasaw Nations have been duly advised by letter of the action of the Commission, copies of said letters being attached to the record.

The applicants in this case are related to the applicants in the consolidated Mississippi Choctaw case of ~~George~~ F. Taylor, et al., decision in which was rendered by the Commission on May 15,

Secretary-----2.

1902, and approved by the Secretary on June 17, 1904.

Respectfully,

SIGNED BY

Tamr Dixby

Acting Chairman.

Through the
Commissioner of Indian Affairs.
Enc. M.C.R. 0816

(0001)

Refer in reply to the
following:

Land
8236--1903.

DEPARTMENT OF THE INTERIOR,

OFFICE OF INDIAN AFFAIRS,

WASHINGTON,

March 31, 1903.

The Honorable,

The Secretary of the Interior.

Sir:-

There is transmitted, herewith, the record and proceedings had before the Commission to the Five Civilized Tribes, in the matter of the application of John C. Robinson, for the identification of himself; the application of Charles F. Robinson, for the identification of himself, and his minor child, Myrtle Robinson; and the application of Clarence W. Robinson, for the identification of himself, all as Mississippi Choctaws.

On January 15, 1903 the commission rendered a decision in this case finding that the evidence submitted in behalf of the applicants is insufficient to determine their identity as Mississippi Choctaw Indians entitled to rights in the lands of the Choctaw Nation under the provisions of article 14 of the treaty of 1830, and that their applications for such identification should be refused.

An examination of the record evidence shows that these applicants claim to have derived their Choctaw blood from one William

Robinson, father, and Thomas Robinson, great grandfather, also Mary Cloud, great grandmother of the principal applicant, John C. Robinson.

Neither said record evidence nor an examination of the records in this office shows that any person by the name of William Robinson, Thomas Robinson or Mary Cloud, ever complied or attempted to comply with the provisions of article 14 of the treaty of 1830, or secured a patent for land thereunder.

By reason of the premises the office considers that said decision of the Commission is correct, and recommends that it be affirmed by the Department.

Very respectfully,

A. C. Tenner,

Acting Commissioner.

W.C.B. (R.)

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(COPY)

D.C. 10902

FHE

DEPARTMENT OF THE INTERIOR.

I.T.D. 3548-1903.

WASHINGTON. April 14, 1903.

L.R.S.

Commission to the Five Civilized Tribes,

Muskogee, Indian Territory.

Gentlemen:

January 31, 1903, you transmitted the record in the consolidated case embracing the applications for identification as Mississippi Choctaws of John C. Robinson (M.C.R. 5616) for himself; of Charles F. Robinson for himself and his minor child, Myrtle Robinson; and of Clarence W. Robinson for himself, including your decision of January 15, 1903, refusing to identify them as such.

The applicants claim rights in Choctaw lands under article 14 of the treaty of September 27, 1830, by reason of being descendants of Mary Robinson (nee Cloud), who is alleged to have been a full blood Choctaw Indian and to have resided in Mississippi in 1830.

The records fail to show that the applicants were ever admitted or enrolled as members of the Choctaw tribe of Indians, or that their alleged ancestor ever complied or attempted to comply with said article 14 of the treaty of 1830, or with the subsequent acts of Congress relating thereto.

Reporting in the matter March 31, 1903, the Acting Commissioner of Indian Affairs recommends that your decision be ap-

proved. A copy of his letter is inclosed.

The Department finds no reason to disturb your decision,
and it is hereby affirmed.

Respectfully,

(Signed) Thos Ryan

Acting Secretary.

1 inclosure.

COPI

M. O. R. 6916.

Muskogee, Indian Territory, April 27, 1903.

Mansfield, McMurray & Cornish,

Attorneys for the Choctaw and Chickasaw Nations,

South McAlester, Indian Territory.

Gentlemen:

You are hereby notified that on the 14th day of April, 1903, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of John C. Robinson, et al., of which decision you were advised by mail on the 15th day of January, 1903.

Respectfully,

SIGNED.

James D. Dixey
Chairman.

COPY.

N.C.R. 5816.

Muskogee, Indian Territory, April 27, 1903.

John C. Robinson,

Juanita, Indian Territory.

Dear Sir:

You are hereby notified that on the 14th day of April, 1903, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of John C. Robinson, et al., of which decision you were advised by registered mail on the 15th day of January, 1903.

Respectfully,

SIGNED,

James D. Dyer
Chairman.

No. 5816

For Identification as a Mississippi Choctaw.

Date JUN 13 1902

Name John C. Robinson,

Age 52 Blood 1/8

Post-Office, Crowder City, I. T.

Father: William Robinson, d.

Mother: Almira " d.

Claims through father — —
wife Carrie Robinson, l. w.

No claim for wife —

~~Claims~~

Claims for sep
alone —

Monographer

W. H. Martin.

Choctaw MCR 5817

Charles F. Robinson

See MCR 5816

Supplemental 3995

MCR 5817

Department of the Interior,
Commission to the Five Civilized Tribes.
Muskogee, I. T., June 13, 1902.

#3817.

In the matter of the application of Charles F. Robinson
for the identification of himself and his minor child, Myrtle
Robinson, as Mississippi Choctaws.

Charles F. Robinson, being first duly sworn, testifies as
follows:

Examination by the Commission.

- Q What is your name? A Charles F. Robinson.
Q What is your age? A Twenty-six years old.
Q What is your post office address? A Oklahoma City, Oklahoma
Territory.
Q How long have you lived there? A Three years.
Q Where did you live before that? A In the Chickasaw Nation.
Q How long did you live in the Chickasaw Nation? A About three
years.
Q Where were you born? A Vernon County, Missouri.
Q From there you went where? A Colorado.
Q How long did you stay in Colorado? A About three years.
Q Then where did you go? A To Missouri. I don't know how long
I stayed in Missouri, and then to Wichita, Kansas.
Q From Kansas where did you go? A About 1883 we moved to the
Territory.
Q Is your father living? A Yes sir.
Q Is your mother living? A Yes sir.
Q What is your father's name? A John C. Robinson.
Q What is your mother's name? A Carrie Robinson.
Q Through which parent do you claim your Choctaw blood? A My
father.
Q How much do you claim? A I don't know just exactly how much
it is.
Q How much does your father claim? A I don't know.
Q Has your father ever been recognized or enrolled as a member
of the Choctaw tribe by the Choctaw tribal authorities or the
United States authorities in the Indian Territory? A Not
that I know of.
Q Are you married? A Yes sir.
Q What is your wife's name? A Carrie Robinson.
Q The same name as your mother? A Yes sir.
Q Is she living? A Yes sir.
Q White woman or Choctaw Indian? A White woman.
Q Do you make any claim for her as a Choctaw? A No sir.

- Q Have you any children under twenty one years of age and unmarried? A Just one.
- Q What is the name of this child? A Myrtle Robinson.
- Q How old is Myrtle? A Three years old.
- Q You claim for yourself and this child, do you? A Yes sir.
- Q Is Carrie Robinson the mother of Robinson? A Yes sir.
- Q Are you and your wife and child living together at your home? A Yes sir.
- Q Were you or she either married previous to your marriage to each other? A No sir.
- Q When and where were you married to your wife, Carrie? A At Newkirk, Oklahoma Territory.
- Q What day of the month and year if you know? A I do not remember.
- Q Have you the proof of that marriage with you? A No sir.
- Q You can introduce it can you within a few days? A Yes sir.
- Q Is your name on any of the tribal rolls of the Choctaw Nation in the Indian Territory? A No sir.
- Q Have you ever made application for citizenship in the Choctaw Nation to the Choctaw tribal authorities in the Indian Territory? A No sir, never have.
- Q Have you ever made application for citizenship in the Choctaw Nation to the Commission to the Five Civilized Tribes under the act of Congress of June 10, 1896? A No sir.
- Q Have you ever been enrolled as a Choctaw Indian by either the Choctaw tribal authorities, the Commission to the Five Civilized Tribes or the United States Court in the Indian Territory? A No sir.
- Q Is this the first application you have ever made of any description to be enrolled as a Choctaw Indian to any authority whatever? A Yes sir.
- Q Do you now come before the Commission, claiming under article 14 of the treaty of 1830, to identify yourself and child as Mississippi Choctaws? A Yes sir.
- Q Do you understand article fourteen of the treaty of 1830? A A No sir I don't.

The treaty of 1830 was made between the United States government and the Choctaw Indians at a place in Mississippi called Dancing Rabbit Creek on the 27th day of September of that year, 1830. The object of the treaty was to remove as far as possible all the Choctaw Indians who lived in that old Choctaw Nation east of the Mississippi river to the Choctaw Nation, Indian Territory. Before the treaty was signed it became known that a good many of the Choctaw Indians would not go to the Choctaw Nation, Indian Territory under the treaty and in order to protect the interests of those Indians who stayed back in the old Choctaw Nation article fourteen was drafted and put into the treaty, which was then signed, and afterwards on the 24th day of February, 1831, was ratified. Article fourteen of that treaty is as follows:

"ARTICLE XIV. Each Choctaw head of a family being desirous to remain and become a citizen of the states shall be permitted to do so, by signifying his intention to the Agent within six months from the ratification of this treaty, and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land, to be bounded

by sectional lines of survey; in like manner shall be entitled to one half that quantity for each unmarried child which is living with him over ten years of age, and a quarter section to such child as may be under ten years of age, to adjoin the location of the parent. If they reside upon said lands intending to become citizens of the states for five years after the ratification of this treaty, in that case, a grant in fee simple shall issue; said reservation shall include the present improvement of the head of the family or a portion of it. Persons who claim under this article shall not lose the privilege of a Choctaw citizen, but if they ever remove are not entitled to any portion of the Choctaw annuity."

- Q Do you know whether any of your Choctaw ancestors complied or attempted to comply with article fourteen of that treaty? A No sir I do not.
- Q What is the name of your Choctaw ancestor through whom you claim your right to be identified as a Mississippi Choctaw? A Cloud, Mary Cloud.
- Q How much Choctaw blood did she have? A She was a full blood I believe.
- Q Whom did she marry? A A man by the name of Robinson.
- Q Do you know his other name? A No sir, I don't.
- Q Do you know what relation this Mary Cloud who married Robinson was to you? A I can not tell you.
- Q Did you ever hear that she was your great grandmother? A Yes sir I have heard that. I have heard that talked of ever since I was big enough to recollect.
- Q John Robinson and his wife Mary Cloud had a son, what was his name? A I don't know.
- Q Did you ever hear of Thomas Robinson? A Yes sir.
- Q What relation was he to you? A I can't say.
- Q How much Choctaw blood did he have? A He was a half breed I suppose.
- Q Whom did he marry? A I can't say that.
- Q Did he live in Mississippi? A I don't know.
- Q Can you give me the name of any Choctaw ancestors of yours who lived in Mississippi in 1830 and was the head of a family there then? A I am sure I can't say.
- Q What relation is John G. Robinson to you? A John G. Robinson is my father.
- Q Did any of your Choctaw ancestors own any land or claim any land in the old Choctaw Nation in Mississippi or Alabama under article fourteen of the treaty of 1830? A I don't know.
- Q Did any of your Choctaw ancestors own any improvements on land in the old Choctaw Nation in 1830? A I don't know that.
- Q Did any of them within six months after the ratification of the treaty of 1830 go to the United States Indian Agent, Colonel Ward, and tell him that they wanted to stay in Mississippi, take land there and become citizens of the states? A No sir, I never heard that.
- Q Did any of them go from that old Choctaw Nation east of the Mississippi river to the Choctaw Nation, Indian Territory, with the other Indians between 1833 and 1836 or 1840? A I don't know.

The Choctaw Indians who lived in the old Choctaw Nation in Mississippi or Alabama after the treaty of 1830 was ratified

refusing to go to the Choctaw Nation Indian Territory with the other Indians were required if they wanted to take advantage of article fourteen of the treaty of 1830 to go to the United States Indian Agent, Colonel William Ward, within six months after the ratification of that treaty and tell him that they wanted to stay in Mississippi, take land there and become citizens of the states. A good many Choctaw Indians did this whose names Colonel Ward neglected to put upon his list known as "Ward's Register". His neglect caused a good many Indians who held land in the old Choctaw Nation upon which they had improvements to lose both, for both were taken from them by the government and sold at its public land sales. This caused so many complaints among the Indians that in 1837 as well as in 1842, under an act of congress approved March 3rd, 1837, and another act approved August 23rd, 1842, Commissions were appointed by Congress which went to Mississippi and heard claimants under article fourteen of the treaty of 1830.

- Q Do you know whether any of your Choctaw ancestors went before either of these Commissions and claimed any benefits as Choctaw Indians under article fourteen of the treaty of 1830? A No sir.
- Q Did any of your Choctaw ancestors receive any script from the government which entitled them to select land either in Mississippi, Alabama, Louisiana or Arkansas? A No sir I don't know.

This script was issued to Choctaw Indians who proved their rights under article fourteen of the treaty of 1830, and also proved that they had once held land in the old Choctaw Nation which the government had taken from them and sold at the public land sales.

- Q Have you any relatives who have been before the Commission to be identified as Mississippi Choctaws? A Yes sir.
- Q Who have been here of your relatives? A My aunt, Mary Stuart.
- Q What relation is Mary Stuart to you? A An aunt of mine.
- Q What relation is Clarence Robinson to you? A A brother of mine.
- Q Your father also has appeared here today? A Yes sir.
- Q Would you like to have the applications of relatives of yours who claim through the same common ancestor considered with yours in order that you may get the benefit of the evidence they have given? A Yes sir.

The case of John C. Robinson, M O R 5816, is here referred to for the purpose of consolidation; also the case of Mary Stuart, an aunt of this applicant, M O R 1201, and the case of his brother, Clarence Robinson, M O R 5748.

- Q Do you speak or understand the Choctaw language? A No sir.
- Q Is there anything more you would like to say now in support of this claim? A Not that I know of.
- Q Would you like a little time in which to introduce other testimony? A Yes sir.

Fifteen days time is allowed this applicant in which to introduce other testimony in support of this application.

This applicant has the appearance and physical characteristics of being descended from white parents; his eyes

are dark brown; complexion somewhat dark; dark brown hair. He does not speak or understand the Choctaw language and has no knowledge of the compliance on the part of his ancestors with any of the provisions of article fourteen of the treaty of 1830.

W H Martin being first duly sworn on oath states that as stenographer to the Commission to the Five Civilized Tribes he recorded the above proceedings on the 15th day of June, 1902, and that the foregoing is a full, true and correct transcript of his stenographic notes in the same.

W. H. Martin

Subscribed and sworn to before me this 21st day of June, 1902.

Clarence Chellwood

Notary Public.

M C R 5817

Muskogee, Indian Territory, January 15, 1903.

Charles F. Robinson,

Oklahoma City, Oklahoma.

Dear Sir:

You are hereby advised that on the 15th day of January, 1903, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of John C. Robinson, et al., embracing the following applications for identification as Mississippi

Cherokees:

John C. Robinson,	M C R 5816
Charles F. Robinson, et al.,	M C R 5817
Clarence W. Robinson,	M C R 5748

These applications were made under the provision of the act of Congress of June 20, 1898 (30 Stat., 495), which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto and make report to the Secretary of the Interior."

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of John C. Robinson, Charles F. Robinson, Myrtle Robinson and Clarence W. Robinson, as Choctaw Indians entitled to rights

C Y R-2.

in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the applications for their identification as such should be refused, and it is so ordered."

You are further advised that you will be allowed fifteen days from the date hereof within which to file arguments in this office, and that at the expiration of said time the papers in the case, together with such arguments will be forwarded to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

(SIGNED).

I. B. Needles.

Commissioner in Charge.

Registered.

COPY.

M. O. R. 5817.

Muskogee, Indian Territory, April 27, 1903.

Charles F. Robinson,

Oklahoma City, Oklahoma.

Dear Sir:

You are hereby notified that on the 14th day of April, 1903, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of John C. Robinson, et al., of which decision you were advised by registered mail on the 15th day of January, 1903.

Respectfully,

SIGNED: *Tamie Birby*
Chairman.

" No. 5817

For Identification as a Mississippi Choctaw.

Date

JUN 1st 1902

Name

Charles F. Robinson,

Age

26 — Blood Don't know.

Post-Office

Oklahoma City, Okla.

Father

John C. Robinson, l.

Mother

Carrie " l.

Claims through

father — —
wife

Carrie Robinson, l. w

No claim for wife —

Children:

Myrtle Robinson, 3 yrs.

Claims for self &
1 child —

Magrapher

W. H. M.

Choctaw MCR 5818

Lewis N. Williams

See MCR 6035

MCR 5818

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., June 14, 1902.

40818.

In the matter of the application of Lewis N. Williams for the identification of himself and his four minor children, Inez, Lillie B., Richard and Roxie Williams, an Mississippi Choctaw.

Thomas A. Harrison, Attorneys for applicant.

Lewis N. Williams being first duly sworn testifies as follows:

Examination by the Commission.

- Q What is your name? A Lewis N. Williams.
Q What is your age? A I am near 39, not quite 39, 38 now.
Q What is your post office address? A Foss, O. T.
Q How long have you lived at Foss? A I have lived there about 8 years, the town is just a little over a year old.
Q Where did you live before that? A In south-west Oklahoma.
Q How long have you lived in Oklahoma altogether? A About 15 years.
Q Where did you live before that? A In Texas.
Q Where in Texas; where did you live the most of the time before you went to Oklahoma? A In south west Texas.
Q Is your father living? A No sir.
Q Is your mother living? A Yes sir.
Q What was your father's name? A John C. Williams.
Q What is your mother's name? A Eliza Williams.
Q Through which parent do you claim Choctaw blood? A My father.
Q How much Choctaw blood do you claim? A My grandmother claimed one-fourth; that would make me a sixteenth.
Q Has your father ever been recognized in any way or enrolled as a member of the Choctaw tribe of Indians by the Choctaw tribal authorities or the United States authorities in the Indian Territory? A Not that I knew or heard of.
Q Do you know when and where your father and mother were married? A I know where but don't know when.
Q Where were they married? A In Fannin county, Texas.
Q By a minister under a license? A I can't say.
Q Have you the record of that marriage with you now? A No sir.
Q Are you married? A Yes sir.

- Q What is your wife's name? A Sallie E. Williams.
 Q Is she living? A Yes sir.
 Q Is she a white woman or Choctaw? A White woman.
 Q Do you make any claim for her? A No sir.
 Q How many children under age and unmarried have you? A Four.
 Q What is the name of the oldest? A Ines Williams.
 Q How old is she? A 13 years old.
 Q What is the name of the next? A Lillie B. Williams.
 Q How old is she? A 3 years old.
 Q What is the name of the next? A Richard Williams.
 Q How old is he? A 3 years past nearly 7.
 Q What is the name of the next? A Roxie Williams.
 Q How old.
 Q 3 years old.
 Q Do you claim for yourself and these four minor children? A Yes sir.
 Q Have you any children over 21 or married? A No sir.
 Q Is Sallie E. Williams the mother of these children? A Yes sir.
 Q Do you and your wife and these children live all together at your home? A Yes sir.
 Q Were you married before you married her? A No sir.
 Q Was she ever married before she married you? A No sir.
 Q When and where were you married to your wife? A In Shackelford County, Texas., in 1888.
 Q What day of the month? A October 21st.
 Q By a Minister under a license? A Yes sir.
 Q Have you the proof of that marriage with you now? A No sir.
 Q Can you introduce the proof of the marriage of your father and mother and also your own marriage within a week or so; how much time would you like?

Mr. Harrison, attorney for applicant: We would like 30 days time.

30 days time is allowed this applicant in which to introduce proof as as he deems necessary in support of this application.

- Q Is your name or the names of any of your children on any of the tribal rolls of the Choctaw Nation in the Indian Territory? A No sir.
 Q Have you ever made application for yourself and children for citizenship in the Choctaw Nation to the Choctaw tribal authorities in the Indian Territory? A No sir.
 Q Have you ever made application for citizenship in the Choctaw Nation for yourself and children to the Dawes Commission under the act of Congress of June 10, 1896? A No sir.
 Q Have you or any of your children ever been admitted to citizenship in the Choctaw Nation by either the Choctaw tribal authorities, the Commission to the Five Civilized Tribes or the United States Court in the Indian Territory? A No sir.
 Q Is this the first application you have ever made of any kind for yourself and children for enrollment in the Choctaw Nation either to the Choctaw tribal authorities or the United States authorities in the Indian Territory? A Yes sir.
 Q Do you now want to be identified and to identify these children as Mississippi Choctaws? under article fourteen of the treaty of 1830? A Yes sir.
 Q Do you understand that article of that treaty? A No sir, I don't understand but a little of it.

The treaty of 1830, sometimes called the treaty of Dancing Rabbit Creek, was made at a place by that name in Mississippi on the 27th day of September of the year 1830. The object of the treaty was to remove all of the Choctaw Indians who lived in the old Choctaw Nation east of the Mississippi river to the Choctaw Nation, Indian Territory. Before the treaty was signed it became known that a good many Choctaw Indians would refuse to go to the Choctaw Nation, Indian Territory, and in order to protect the interests of those Indians who stayed back in the old Choctaw Nation article fourteen was put into the treaty of 1830. The treaty was then signed on the 27th day of September, and on the 24th day of February, 1851, was ratified. That article four teen reads as follows:

"ARTICLE XIV. Each Choctaw head of a family being desirous to remain and become a citizen of the states shall be permitted to do so by signifying his intention to the Agent within six months from the ratification of this treaty, and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land, to be bounded by sectional lines of survey, in like manner shall be entitled to one half that quantity for each unmarried child which is living with him over ten years of age, and a quarter section to such child as may be under ten years of age, to adjoin the location of the parent. If the reside upon said lands intending to become citizens of the states for five years after the ratification of this treaty, in that case, a grant in fee simple shall issue. Said reservation shall include the present improvement of the head of the family or a portion of it. Persons who claim under this article shall not lose the privilege of a Choctaw citizen, but if they ever remove are not entitled to any portion of the Choctaw annuity."

- Q Do you know whether any of your Choctaw ancestors complied or attempted to comply with article fourteen of that treaty? A I don't know.
- Q You understand that now well enough to claim under it, don't you? A Yes, I think I do.
- Q What is the name of your ancestor through whom you claim your right to be identified as a Mississippi Choctaw? A Keelen Williams, my grandfather.
- Q Whom did he marry? A Mary Smith.
- Q Who was the Choctaw, Keelen Williams or his wife, Mary? A His wife, Mary.
- Q How much Choctaw blood did she have? A One-fourth.
- Q Did Keelen Williams have any Choctaw blood? A Not that I know of.
- Q How old would Mary Williams be if living now? A I don't know, about a hundred years old.
- Q Did she live in Mississippi or Alabama in 1830? A Well, my father was born in Mississippi in 1826; I reckon they did for my father was quite a lad when they left that country and came to Texas.
- Q Did your father have any younger brothers or sisters? A Yes sir.
- Q And did his father and mother continue to live in Mississippi? A No sir.

- 4
- Q Do you know whether Keelan Williams and his wife, Mary, lived in Mississippi in the old Choctaw Nation in 1830, and had a family there then? What is your best judgment about that?
- Q I don't know for certain; I think they did for this reason: My father must have been 15 or 18 years old when they left there and come directly to Texas, and my father was born in 1826, and I would suppose that he lived there at that time.
- Q If your father was 15 or 18 years old and was born in 1826 they must have continued to live there until he became a boy of that age? A Yes sir.
- Q And if they did continue to live there of course they had one boy who was born in 1826? A Yes sir. And I will say that if they ever lived any other place than there until they come to Texas I never heard them say anything about it, and I suppose they lived there in 1830.
- Q And they were the head of a family there at that time? A Yes sir.
- Q Do you know whether any of your Choctaw ancestors complied with article fourteen of the treaty of 1830? A No sir, I don't.
- Q Do you know whether any of your Choctaw ancestors within six months after the ratification of the treaty of 1830 went to the United States Indian Agent, Colonel Ward, and told him that they wanted to stay in Mississippi, take land there and become citizens of the states? A If they did I don't know it.
- Q Do you know if any of your Choctaw ancestors owned any land or claimed any land in the old Choctaw Nation in Mississippi or Alabama under article fourteen of the treaty of 1830? A Not that I know of.
- Q Did any of them own any improvements on land in the old Choctaw Nation in Mississippi or Alabama in 1830? or 1831? A I don't know.
- Q Did any of your Choctaw ancestors go from that old Choctaw Nation east of the Mississippi river to the Choctaw Nation, Indian Territory, with the other Indians between 1833 and 1838 or 1840? A I do not know.

In 1837 by an act of Congress approved March 3rd of that year and also in 1842 by an act of Congress approved August 23rd of that year Congress appointed commissions under various acts which went to Mississippi and heard claimants under article 14 of the treaty of 1830. The reason why these commissions were appointed was because of the complaint of Choctaw Indians who stayed in the old Choctaw Nation east of the Mississippi river, and who claimed that they had held land in that old Choctaw Nation under article fourteen of the treaty of 1830, but that the United States government had taken it from them and sold it at its public land sales. This was because Colonel William Ward, the United States Indian Agent, had failed to put their names upon his list, known as "Ward's Register", although they had attempted to register under him within six months after the ratification of the treaty of 1830, as required by article 14 of that treaty.

- Q Do you know whether any of your Choctaw ancestors went before either the Commission of 1837 or the Commission of 1842 and claimed any benefits as Choctaw Indians under article fourteen of that treaty? A Not that I know of.

- Q Did any of your Choctaw ancestors receive any script or certificates from the government which entitled them to select land either in Mississippi, Alabama, Louisiana or Arkansas?
 A Not that I know of.

This script was issued under an act of Congress approved August 23rd, 1842, and authorized the holders of it to select land in the place of the land which the government had taken from them and sold, they having proved their rights under article 14 of the treaty of 1830, and also having proved that they had held land in the old Choctaw Nation which the government had taken from them.

- Q Have you any relatives who have been before the Commission to be identified as Mississippi Choctaws? A Not that I know of.
 Q No kin folks of any kind? A Not that I have heard of.
 Q Do you speak the Choctaw language? A No sir.

By Mr. Harrison:

- Q For the purpose of identification please state the names of your brothers and sisters? A Felix G. Williams, Henry M. Williams, Lennox D. Williams, Walter D. Williams, that's the boys; Texannah Butler, Arrah Springstun, and Finsa Davis, that's my brothers and sisters.
 Q Have you ever heard your father or your grandfather or any member of your family, particularly of the older members, say anything about their claims as Mississippi Choctaws, how they happened to believe that they were Mississippi Choctaws, or where they lived in Mississippi, or whether they ever attempted to get any land as Choctaws or whether they did get any land? A Well, about all that I remember hearing about this was partly from my mother and partly from my father, and I have heard my grandfather say a little about it, but not much, and that was long ago.
 Q State what you now recollect to have heard them or either of them say with reference to this matter? A Well, the story in brief would be that my grandmother was a quarter blood Choctaw Indian, as to repeating the stories I have heard I could not do that.
 Q Where did she live according to the history of the family? A In the state of Mississippi.

By the Commission:

This applicant has the appearance and physical characteristics of being descended from white parentage; he has no knowledge of the Choctaw language and no knowledge of the compliance on the part of his ancestors with any of the provisions of article fourteen of the treaty of 1830. He has light complexion, somewhat tanned; blue eyes, dark brown hair.

W H Martin being first duly sworn on oath states that as stenographer to the Commission to the Five Civilized Tribes he

recorded the above proceedings on the 14th day of June, 1902, and that the foregoing is a full, true and correct transcript of his stenographic notes in the same.

W. H. Martin

Subscribed and sworn to before me this 21st day of June, 1902.

Carmitchellwood

Notary Public.

COPY

Muskogee, Indian Territory, December 31, 1902.

Lewis N. Williams,

Foss, Oklahoma.

Dear Sir:

You are hereby advised that on the 31st day of December, 1902, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Tinsie Davis, et al., embracing the following applications for identification as Mississippi Choctaws:

Tinsie Davis, et al.,	M.C.R. 5035
Lewis N. Williams, et al.,	M.C.R. 5818
Phelix G. Williams, et al.,	M.C.R. 6036
Henry M. Williams,	M.C.R. 4819
Lenox D. Williams, et al.,	M.C.R. 6037
Walter D. Williams, et al.,	M.C.R. 6038
John H. Harrington, et al.,	M.C.R. 5820

These applications were made under the provision of the act of Congress of June 25, 1898 (30 Stat. 495) which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto and make report to the Secretary of the Interior."

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Tinsie Davis, Thomas N. Davis, Lellie Eliza Davis, Albert G. Davis, Nellie T. Davis, Francis N. Davis, Lewis N. Williams, Ines Williams, Lillie N. Williams, Richard Williams, Romie Wil-

liams, Phelix C. Williams, Beatrice Williams, Verdie B. Williams, Henry M. Williams, Lenox D. Williams, James L. Williams, Walter D. Williams, Lula L. Williams, John H. Herrington, Charlie E. Herrington, Gracie P. Herrington, Maudie L. Herrington, Claiborne C. Herrington and Johnnie C. Herrington as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the applications for their identification as such should be refused, and it is so ordered."

You are further advised that you will be allowed fifteen days from the date hereof within which to file arguments in this office, and that at the expiration of said time the papers in the case together with such arguments will be forwarded to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

Tamr Pixby,
Acting Chairman.

Registered.

M.C.R. 5818.

COPY.

Muskogee, Indian Territory, March 12, 1903.

Lewis H. Williams,

Poss, Oklahoma.

Dear Sir:

You are hereby notified that on the 28th day of February, 1903, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Tinsa Davis, et al., of which decision you were advised by registered mail on the 31st day of December, 1902.

Respectfully,

(SIGNED)

Tams Birby.
Chairman.

No. 5818

For Identification as a Mississippi Choctaw.

Date

JUN 11, 1902,

Name Lewis N. Williams,

Age 38 — Blood 1/16

Post-Office, Foss, Okla —

Father, John C. Williams, d

Mother, Eliza " l.

Claims through ~~to~~ father — —
wife —

Sallie E. Williams - l. w.

No claim for wife —

Children:

Inez Williams — 12

Lillie B. " — 9

Richard " — 6

Roxie " — 3

Claims for self &
4 children —

Stenographer W. H. Martin.

Choctaw MCR 5819

Henry McWilliams

See MCR 6035

MCR 5819

Department of the Interior,
Commission to the Five Civilized Tribes.
Muskogee, I. T., June 14th, 1908.

#5819.

In the matter of the application of Henry M. Williams for
identification as a Mississippi Choctaw.

Thomas & Harrison, attorneys for applicant.

Henry M. Williams being first duly sworn testifies as follows:

Examination by the Commission.

Q What is your name? A Henry M. Williams.
Q What is your age? A Thirty-three.
Q What is your post office address? A Posa, O. T.
Q How long have you lived at Posa? A I have lived there about
eight years.
Q Where did you live before that? A In Greer County, Oklahoma.
Q Where did you live before that? A In Texas.
Q Where were you born? A In Texas.
Q Where did you live most of the time in Texas? A South-west
Texas.
Q What post-office? A San Angelo.
Q Is your father living? A No sir.
Q Is your mother living? A Yes sir.
Q What was your father's name? A John C. Williams.
Q What is your mother's name? A Eliza Williams.
Q Through which parent do you claim Choctaw blood? A My father.
Q How much Choctaw blood do you claim? A One-sixteenth.
Q Has your father ever been recognized or enrolled as a member
of the Choctaw tribe of Indians by the Choctaw tribal authori-
ties or the United States authorities in the Indian Territory?
A Not that I know of.
Q When and where were your father and mother married? A In
Fannin County, Texas.
Q Do you remember the day of the month and year? A No sir.
Q Were they married by a minister under a license? A I can't
say, I guess they were.
Q How did you get the proof of that marriage with you now? A No sir.
Q Are you married? A No sir.
Q Have you been on any of the tribal rolls of the Choctaw Nation
in the Indian Territory? A No sir.

- Q Have you ever made application for citizenship in the Choctaw Nation to the Choctaw tribal authorities in the Indian Territory? A No sir.
- Q Have you ever made application for citizenship in the Choctaw Nation to the Commission to the Five Civilized Tribes under the act of Congress of June 10, 1896? A No sir.
- Q Have you ever been enrolled as a member of the Choctaw tribe of Indians by either the Choctaw tribal authorities, the Commission to the Five Civilized Tribes or the United States Court in the Indian Territory? A No sir.
- Q Is this the first application of any kind you have ever made for enrollment as a Choctaw Indian to any authority whatever? A Yes sir.
- Q Do you now come before the Commission to be identified as a Mississippi Choctaw claiming under article fourteen of the treaty of 1830? A Yes sir.
- Q Do you understand that article? A Only what I heard you say in my brother's case.

The treaty of 1830 was made between the United States government and the Choctaw Indians at a place in Mississippi called Dancing Rabbit Creek. This treaty was made between the government and the Choctaw Indians for the purpose of removing all of the Choctaw Nation, the entire Nation, from that old Choctaw Nation east of the Mississippi river to the Choctaw Nation, Indian Territory. Before the treaty was signed it became known that a great many Choctaw Indians would not go to the Choctaw Nation, Indian Territory under the treaty, and in order to protect the interests of those Indians who stayed back there in the old Choctaw Nation article fourteen was drafted and put into the treaty of 1830. This article was for the especial benefit of the Choctaw Indians who stayed back in the old Choctaw Nation. It reads as follows:

"ARTICLE XIV. Each Choctaw head of a family being desirous to remain and become a citizen of the states shall be permitted to do so by signifying his intention to the Agent within six months from the ratification of this treaty, and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land, to be bounded by sectional lines of survey; in like manner shall be entitled to one half that quantity for each unmarried child which is living with him over ten years of age, and a quarter section to such child as may be under ten years of age, to adjoin the location of the parent. If they reside upon said lands intending to become citizens of the states for five years after the ratification of this treaty, in that case, a grant in fee simple shall issue; said reservation shall include the present improvement of the head of the family or a portion of it. Persons who claim under this article shall not lose the privilege of a Choctaw citizen, but if they ever remove are not entitled to any portion of the Choctaw annuity."

- Q Do you think you understand that well enough to claim under it? A Yes sir, I think I do.
- Q You may not understand it in all its details, but you understand the general purpose? A Yes sir.
- Q What is the name of your Choctaw ancestor through whom you claim your right to be identified as a Mississippi Choctaw? A My grandfather.

- Q What was his name? A Keelen Williams.
- Q He was a white man, was he not? A Yes sir.
- Q He married whom? A He married Mary Smith.
- Q That was her maiden name? A Yes sir.
- Q How much Choctaw blood did she have? A She was one-fourth.
- Q You claim through your grandmother, do you? A Yes sir.
- Q That was your father's mother was it not? A Yes sir.
- Q His name was John C. Williams; did he live in Mississippi at any time? A I suppose he did?
- Q Was he born in Mississippi? A I suppose he was.
- Q Do you know that he was born there? A No sir, I don't.
- Q Do you remember where he was born in Mississippi, what county or what part of Mississippi? A I can not tell you exactly.
- Q Did he have any older brothers or sisters? A Yes sir.
- Q When was your father born, if you can give the date? A He was born in 1826.
- Q In Mississippi? A Yes sir.
- Q At what age did he remove from Mississippi? A I guess he was probably fifteen years old something near that.
- Q He continued to live in Mississippi all that time? A Yes, so far as I know.
- Q And his father and mother continued to live there? A So far as I know they did.
- Q Is that a matter of family history and tradition with you then, that your grandfather, Keelen Williams, and his wife, Mary, lived in Mississippi in the old Choctaw Nation from 1826 on until your father was fifteen years old? A Yes sir.
- Q Then they were heads of families there in 1830, she was? A Yes sir.
- Q Did any of your Choctaw ancestors own any land or claim any land in the old Choctaw Nation in Mississippi or Alabama under article fourteen of the treaty of 1830? A Not that I know of.
- Q Did any of your Choctaw ancestors own any improvements on land in the old Choctaw Nation in 1830? A Not that I know of.
- Q Did any of your Choctaw ancestors go from that old Choctaw Nation east of the Mississippi river to the Choctaw Nation, Indian Territory, with the other Indians between 1833 and 1836 or 1840? A Not that I know of.
- Q Did any of your Choctaw ancestors within six months after the ratification of the treaty of 1830 go to the United States Indian Agent, Colonel Ward, and tell him that they wanted to stay in Mississippi, take land there and become citizens of the states? A Not that I know of.

The Choctaw Indians who stayed in the old Choctaw Nation east of the Mississippi river, refusing to go to the Choctaw Nation, Indian Territory, with the other Indians, were required if they wanted to take advantage of article fourteen of the treaty of Dancing Rabbit Creek to go to the United States Indian Agent, Colonel Ward, within six months after the ratification of the treaty, and tell him that they wanted to stay in Mississippi, take land there, and become citizens of the states. A great many Choctaw Indians did this whose names Colonel Ward neglected or failed for some reason to put upon his list, afterwards known as "Ward's Register". His neglect to make the proper registration of these claimants under article 14 of the treaty of 1830 caused a great many Indians living in the old Choctaw Nation where they had lands and improvements to

lose both, for both were taken from them by the government and sold at its public land sales. This caused so many complaints among the Indians that in 1837, by an act of Congress approved March 3rd of that year, Congress appointed a Commission which went to Mississippi and heard claimants under article 14 of the treaty of 1830. In 1842 another Commission was appointed under an act of Congress approved August 23rd of that year for the same purpose. This Commission went to Mississippi and heard claimants under article 14 of that treaty.

- A Did any of your Choctaw ancestors go before either of these Commissions, that of 1837 or that of 1842, and claim any benefits under article 14 of that treaty? A Not that I know of.
- Q Did any of your Choctaw ancestors receive any script from the government of the United States which entitled them to select land either in Mississippi, Alabama, Louisiana or Arkansas, to take the place of land these Indians had formerly held in the old Choctaw Nation, but which the government had taken from them and sold? A I never heard of it.

This script or certificates were issued under an act of Congress approved August 23rd, 1842.

- Q Have you any relatives except Lewis N. Williams who have appeared before the Commission? A No sir., not that I know of.
- Q He is your brother? A Yes sir.
- Q He is the only relative that has appeared before the Commission for identification as Mississippi Choctaws? A The only one that I know of.
- Q Would you like to have his case and this considered together when both are considered by the Commission? A Yes sir.

The case of Lewis N. Williams, W C R 5818, is here referred to for the purpose of consolidation.

- Q Do you speak or understand the Choctaw language? A No sir.
- Q Have you any other evidence that you want to introduce now, any papers or proof of any kind? A I believe not.

Mr Harrison, attorney for applicant: We ask for a reasonable time in which to supply such proof as we may be able to furnish in support hereof.

By the Commission: 30 days time is allowed this applicant in which to furnish other evidence in support of this application if he desires.

By Mr. Harrison:

- Q Have you ever heard anything in your family about your family history, and particularly with reference to your Choctaw blood, have you heard it talked about in your family? A Yes sir, I have heard it talked about, but as to telling what was said I don't know that I can do that.
- Q You do not undertake to say just what you have heard about it? A No sir.
- Q But that has been your understanding for how long? A Since I was a boy.

Q That your grandfather was one-fourth Choctaw? A Yes sir.

By the Commission:

This applicant has the appearance and physical characteristics of being descended from white parentage; blue eyes, brown hair, light complexion now tanned; does not understand the Choctaw language and has no knowledge of the compliance on the part of his ancestors with any of the provisions of article 14 of the treaty of 1830.

W H Martin being first duly sworn on his oath states that as stenographer to the Commission to the Five Civilized Tribes he recorded the above proceedings on the 14th day of June, 1902, and that the foregoing is a full, true and correct transcript of his stenographic notes in the same.

W H Martin

Subscribed and sworn to before me this 21st day of June, 1902

Carver Mitchell Wood

Notary Public.

Muskogee, Indian Territory, December 31, 1902.

Henry M. Williams,
Poss, Oklahoma.

Dear Sir:

You are hereby advised that on the 31st day of December, 1902, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Tina Davis, et al., embracing the following applications for identification as Mississippi Choctaws:

Tina Davis, et al.,	M.C.R. 6035
Lewis W. Williams, et al.,	M.C.R. 5818
Phelix G. Williams, et al.,	M.C.R. 6036
Henry M. Williams,	M.C.R. 5819
Lenox B. Williams, et al.,	M.C.R. 6037
Walter D. Williams, et al.,	M.C.R. 6038
John H. Harrington, et al.,	M.C.R. 5820

These applications were made under the provision of the act of Congress of June 22, 1898 (30 Stats., 495) which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto and make report to the Secretary of the Interior."

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Tina Davis, Thomas E. Davis, Lelia Eliza Davis, Albert S. Davis, Sallie T. Davis, Francis E. Davis, Lelia E. Williams,

---2---

Inez Williams, Lillie B. Williams, Richard Williams, Roxie Williams, Phelix G. Williams, Beatrice Williams, Verdie B. Williams, Henry M. Williams, Lenox D. Williams, James L. Williams, Walter D. Williams, Eula L. Williams, John H. Herrington, Charlie R. Herrington, Gracie P. Herrington, Maudie L. Herrington, Claiborne C. Herrington and Johnnie C. Herrington as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the applications for their identification as such should be refused, and it is so ordered."

You are further advised that you will be allowed fifteen days from the date hereof within which to file arguments in this office, and that at the expiration of said time the papers in the case together with such arguments will be forwarded to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

James Birby.
Acting Chairman.

Registered.

COPY.

M.O.R.5819

Muskogee, Indian Territory, March 12, 1903.

Henry M. Williams,

Poss, Oklahoma.

Dear Sir:

You are hereby notified that on the 28th day of February, 1903, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Tina Davis, et al., of which decision you were advised by registered mail on the 31st day of December, 1902.

Respectfully,

(SIGNED).

Tamie Bixby.
Chairman.

For Identification as a Mississippi Choctaw.

Date

JUN 11 1902

Name Henry M. Williams

Age 33 — Blood 1/16

Post-Office, Foss, Okla. T. —

Father: John C. Williams, d

Mother: Eliza " — l.

Claims through father — —

~~XXXX~~

claims for self
alone

Stenographer W. H. Martin,

Choctaw MCR 5820

John H. Herrington

See MCR 6035

MCR 5820

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., June 14, 1903.

#3220.

In the matter of the application of John H. Herrington for the identification of himself and his five minor children, Charlie H., Gracie P., Maudie L., Claiborne G., and Johnnie G. Herrington, as Mississippi Choctaws.

Thomas A. Harrison, Attorneys for applicant.

John H. Herrington, being first duly sworn, testifies as follows:

Examination by the Commission.

- Q What is your name? A John H. Herrington.
Q What is your age? A 33, I was born in '69.
Q What is your post office address? A Foss, Oklahoma.
Q How long have you lived in Foss or near there? A Eight years.
Q Where did you live before that? A In Greer County, Oklahoma.
Q How long did you live in Oklahoma altogether? A For 15 years.
Q Where did you live before that? A In Texas.
Q Where were you born? A In Fort Griffin, Texas.
Q Where did you live most of the time in Texas? A In south west Texas, Young county.
Q Is your father living? A No sir.
Q Is your mother living? A No Sir.
Q What was your father's name? A Charles Herrington.
Q What was your mother's name? A Adelaide Williams.
Q That was her maiden name? A Yes sir., Now Herrington.
Q Through which parent do you claim your Choctaw blood? A Through my mother.
Q How much Choctaw blood do you claim? A One-thirtysecond on my mother's side.
Q Has your mother ever been recognized in any way or enrolled by the Choctaw tribal authorities in the Indian Territory as a member of the Choctaw tribe of Indians? A Not that I know anything of.
Q Are you married? A Yes sir.
Q What is your wife's name? A Flavia G. Herrington.
Q Is she living? A Yes sir.
Q A white woman or Choctaw? A White woman.
Q Do you make any claim for her? A I do not.
Q Give me the name of your eldest child unmarried that you want to make application for? A Charlie H. Herrington.
Q How old is Charlie? A 8.
Q The next? A Gracie P. Herrington.
Q How old is she? A 6 years old.
Q The next? A Maudie L. Herrington.
Q How old? A 5 years old.
Q The next? A Claiborne G. Herrington.
Q How old is Claiborne? A 3 years old.

- Q Have you another? A Johnnie G. Herrington, 5 months old.
- Q Is Flavia G. Herrington, your wife, the mother of these children? A Yes sir.
- Q You are the father? A Yes sir.
- Q Are you living with your wife, and are these children living with you at your home? A Yes sir.
- Q Were you or your wife ever married before you married each other? A No sir.
- Q When and where were you married to your wife? A In Greer County, Oklahoma, it was part of Texas at the time I was married, ten years ago.
- Q What date were you married, day of the month and year? A 7th day of September, 1893.
- Q Have you the proof of that marriage with you now? A I have not.
- Q You can introduce it if given a reasonable time, a certified copy of the record? A Yes sir.
- Q Is your name or the name of any of your children on any of the tribal rolls of the Choctaw Nation in the Indian Territory? A No sir.
- Q Have you ever made application for citizenship in the Choctaw Nation for yourself and children to the Choctaw tribal authorities in the Indian Territory? A No sir.
- Q Have you ever made application for citizenship in the Choctaw Nation for yourself and children to the Commission to the Five Civilized Tribes under the act of Congress of June 10, 1896? A No sir.
- Q Have you or your children ever been admitted to citizenship in the Choctaw Nation by either the Choctaw tribal authorities, the Commission to the Five Civilized Tribes or the United States court in the Indian Territory? A No sir.
- Q Is this the first application you have ever made of any kind either to the Choctaw tribal authorities or the United States authorities in the Indian Territory, for citizenship in the Choctaw Nation? A Yes sir.
- Q Do you now come before this commission to identify yourself and these children as Mississippi Choctaws claiming under article fourteen of the treaty of 1830? A Yes sir.
- Q Do you understand that article of that treaty? A No.

The treaty of 1830 was made between the United States government and the Choctaw Indians who lived in that year, 1830, and always before that time in the old Choctaw Nation, which was partly in Mississippi and partly in Alabama. It was the design of the government to remove the Indians who occupied this old Choctaw Nation, which lay partly in Alabama, on the western boundary line, and the most of it in Mississippi, from that old Choctaw Nation to the Choctaw Nation in the Indian Territory. This territory belonged to the United States; this other territory belonged to the states of Mississippi and Alabama. The object of the government was that the states of Mississippi and Alabama by passing state laws had legislated these Indians out of their rights, and they said to the United States government "You have no right to interfere; you can put your Indians in Mississippi and Alabama if you want to, but that Territory is ours, and if we want to give it to our citizens we will". The United States government yielded to these states, because of the principle of state rights, the same principle that led to the Civil War, and told the Choctaw Indians that they had better come over to the Choctaw Nation, Indian Territory; that territory belonged to the United States,

and the government could better protect them against outside people. They could not remove them against their will; could not remove them without their consent, so the treaty was made in which these Indians agreed to go. A treaty is a contract, and the reason why it is called a treaty is because a treaty is made between Nations instead of between individuals. If a written agreement was made between you and me it would be called a contract, if made between Nations it would be called a treaty; this was a treaty because made between the United States on one hand and the Choctaw Nation on the other. And that is all that distinguishes a treaty from a contract in writing made between people. They signed this treaty, and in signing it on the 27th day of September, 1830, at a place in Mississippi called Dancing Rabbit Creek, they agreed to go to the Choctaw Nation, Indian Territory; but before the treaty was signed it became known that at least six or seven thousand Choctaw Indians would not go from this old Nation to the Choctaw Nation, Indian Territory under the treaty, and the other Indians said "Before we sign that treaty you must put something into the treaty which will protect the Indians who stay back here in the old Choctaw Nation", so the principal people representing the Choctaw Nation and the principal people representing the United States government got together and article 14 was drafted and put into the treaty of 1830, for the protection and the preservation of those Choctaw Indians who stayed back in the old Nation. It was submitted to the Council and approved, and the treaty was signed with that article in it. Now article 14 reads as follows:

"ARTICLE XIV. Each Choctaw head of a family being desirous to remain and become a citizen of the states shall be permitted to do so, by signifying his intention to the Agent within six months from the ratification of this treaty, and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land, to be bounded by sectional lines of survey; in like manner shall be entitled to one half that quantity for each unmarried child which is living with him over ten years of age, and a quarter section to such child as may be under ten years of age, to adjoin the location of the parent. If they reside upon said lands intending to become citizens of the states for five years after the ratification of this treaty, in that case, a grant in fee simple shall issue. Said reservation shall include the present improvement of the head of the family or a portion of it. Persons who claim under this article shall not lose the privilege of a Choctaw citizen, but if they ever remove are not entitled to any portion of the Choctaw annuity."

That means this: Those Indians who made these declarations within six months after the ratification of the treaty, and lived upon the land for five years they would get a deed to it; or if they did not live on it for five years, if they tried to live on it, if they made some effort to comply with article fourteen, if afterwards they wanted to come across here to the Choctaw Nation, Indian Territory and become citizens of the Choctaw Nation, they would be entitled to land here in the Choctaw Nation just the same as the other Indians who came first under the treaty; but they should not be entitled to

any portion of the Choctaw annuity. The Choctaw annuity was simply an annual payment called an annuity, paid to the Indians who originally removed under the treaty of 1830, and this money was given annually to pay them for the failure of crops, to support them and help them buy fodder, seed corn and oats, etc., for planting purposes, and was to continue only for a limited time. These Indians who afterwards came to the Choctaw Nation, Indian Territory, would have every right as the Choctaw Indians who originally went under the treaty of 1830, but would not have any right to the Choctaw annuity. Now, that is what is meant by the treaty of 1830, and that is what is meant by article fourteen of the treaty, put in the treaty for the especial benefit of the Choctaw Indians who stayed in Mississippi and Alabama.

- Q Do you know whether any of your Choctaw ancestors complied with article fourteen of the treaty of 1830, I mean do you know whether they went to Colonel Vard, the United States Indian Agent, within six months after the ratification of the treaty of 1830, and told him that they wanted to stay in Mississippi, take land there and become citizens of the states? A I do not.
- Q You understand that do you? A Yes sir.
- Q You do not know whether they ever did that or not? A No sir.
- Q Do you know the name of your ancestor through whom you claim your right to be identified as a Mississippi Choctaw, going back to 1830; I want the ancestor who lived in Mississippi in 1830 or in Alabama in the old Choctaw Nation, and who could have complied with article 14 of the treaty of 1830? A It commences with my great grandmother, Mary Smith.
- Q She married whom? A Keelen Williams.
- Q How much Choctaw blood did she have? A One-fourth.
- Q She married a white man? A Yes sir.
- Q Grandmother to these other applicants who have appeared here today? A Yes sir.
- Q Did Mary Smith who married Keelen Williams live in Mississippi in the old Choctaw Nation in 1830? A I don't know.
- Q Did you ever hear that she lived in Mississippi? A Yes sir.
- Q What is your best knowledge or information as to whether she lived there in 1830, 72 years ago? A I can't give any definite knowledge of it now.
- Q You have heard these other witnesses testify to it, have you not, who claim through John G. Williams, their father? A Yes sir.
- Q And they said their father was born in Mississippi in 1826? A Yes sir, in regard to that, I have heard that.
- Q John G. Williams was the son of Mary Williams, you have heard that? A Yes sir.
- Q Then if he was the son of Mary Smith, who married Keelen Williams, and was born in Mississippi in 1826 what do you think about the chance of Mary Williams having lived in Mississippi in 1830 and 1831? A I don't know whether she lived there or not myself; and would have to guess at it at the present.
- Q How old would Mary Williams be if living now? A I don't know how old.
- Q Did she have a Choctaw Indian name? A No sir, I don't know what it is.

The Choctaws had a name which they gave to every member of the tribe, which Indian name was based upon their language,

and every part of the Indian name would mean something. "The man who kills running" would perhaps be the name of one Indian, and it would be put into the Choctaw language. In order to get an English equivalent out of the Choctaw Indian names it would have to be translated in some such a way as that. "The man who hides and kills his foe" would be the translation of another Indian name, Ac., Do you know if she had any such Indian name? A I do not know.

- Q You have not heard of her having an Indian name? A No sir.
- Q Did any of your Choctaw ancestors own any land or claim any land in the old Choctaw Nation in Mississippi or Alabama under article fourteen of the treaty of 1830? A Not that I know of.
- Q Did any of your Choctaw ancestors own any improvements on land in Mississippi or Alabama in the old Choctaw Nation in 1830? A I do not know.
- Q Did any of your Choctaw ancestors within six months after the ratification of the treaty of 1830 go to Colonel Ward, the United States Indian Agent, and tell him that they wanted to stay in Mississippi, take land there and become citizens of the states? A I don't know anything about that.
- Q Did any of them go from that old Choctaw Nation east of the Mississippi river to the Choctaw Nation Indian Territory, with the other Indians between 1833 and 1838 or 1840? A I don't know.

The Choctaw Indians who stayed in the old Choctaw Nation in Mississippi and Alabama after the treaty of 1830 was ratified, were required if they wanted to take advantage of article 14 of the treaty of Dancing Rabbit Creek to go to the United States Indian Agent, Colonel Ward, within six months after the ratification of that treaty, and tell him that they wanted to stay in Mississippi, take land there and become citizens of the states. A great many did this whose names Colonel Ward failed to put upon his list, known as "Ward's Register", and this caused the Indians to lose both their lands and improvements which they held in the old Choctaw Nation, because both were taken by the government and sold at its public land sales. This caused so many complaints among the Choctaw Indians that in 1837 a commission was appointed by Congress under an act of Congress approved March 3rd of that year, which commission went to Mississippi and heard claimants under article 14 of the treaty of 1830, and in 1842 another commission was appointed by Congress under an act of Congress approved August 23rd of that year, which also went to Mississippi and heard claimants under article 14 of the treaty of 1830.

- Q Do you know if any of your Choctaw ancestors went before the commission of 1837 or the commission of 1842, and claimed any benefits under article fourteen of that treaty? A Not that I know of.
- Q Did any of your Choctaw ancestors receive any script from the government which entitled them to select land in Mississippi, Alabama, Louisiana or Arkansas? A No sir.

This script was issued under an act of Congress approved August 23rd, 1842, and was given to those Choctaw Indians who proved their rights under article fourteen of the

treaty of 1830, and also proved that they had had land in the old Choctaw Nation which the government had taken from them and sold.

- Q Have you any relatives who have been before the Commission to be identified as Mississippi Choctaws? A Yes sir.
Q Who are Lewis N. Williams and Henry N. Williams, brothers? A Uncles of mine.
Q Would you like to have their cases referred to, and this case consolidated with theirs? A Yes sir.

The case of Lewis N. Williams, M O R 3818, is here referred to for the purpose of consolidation.

- Q Have you any documentary evidence you want to introduce now, or any papers or other proper evidence you want to introduce? A Not at present.
Q Would you like a little time? A Yes sir.

30 days time is allowed from the date hereof for this applicant to introduce other evidence in support of this application if he desires.

- Q Do you speak the Choctaw language? A No sir.

By Mr. Harrison, attorney for applicant:

- Q Have you any recollection of having heard conversations with your people and especially the older members of your family about this question of Choctaw blood and Choctaw citizenship, and if you have state what impression that conversation or conversations made upon your mind in this regard? A Nothing further than I have frequently heard and always did believe that I was one-thirtysecond Choctaw; that I had Indian blood; I have been taught that from childhood on up; heard it spoken of, never taken any active steps until now.
Q Deriving your blood from the source to which you have testified in this case? A Yes sir.

By Commission:

This applicant has the appearance and physical characteristics of being descended from white parentage; blue eyes; dark complexion, somewhat tanned by the sun; dark brown hair; does not understand the Choctaw language and has no knowledge of the compliance on the part of his ancestors with article 14 of the treaty of 1830.

W H Martin being first duly sworn on oath states that as stenographer to the Commission to the Five Civilized Tribes he recorded the above proceedings on the 14th day of June, 1902, and that the foregoing is a full, true and correct transcript of his stenographic notes in the same.
Subscribed and sworn to before me this 14th day of June, 1902

W H Martin
Notary Public.

Muskogee, Indian Territory, December 31, 1902.

John H. Herrington,
Poss, Oklahoma.

Dear Sir:

You are hereby advised that on the 31st day of December, 1902, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Tinsa Davis, et al., embracing the following applications for identification as Mississippi Choctaws:

Tinsa Davis, et al.,	M.C.R. 6036
Lewis N. Williams, et al.,	M.C.R. 5818
Phelix G. Williams, et al.,	M.C.R. 6036
Henry M. Williams,	M.C.R. 5819
Lenox D. Williams, et al.,	M.C.R. 6037
Walter D. Williams, et al.,	M.C.R. 6038
John H. Herrington, et al.,	M.C.R. 6820

These applications were made under the provision of the act of Congress of June 28, 1898 (30 Stats., 498) which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto and make reports to the Secretary of the Interior."

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of the applicants as Choctaws."

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tity of Tinsa Davis, Thomas E. Davis, Lelia Eliza Davis, Albert S. Davis, Hallie T. Davis, Francis E. Davis, Lewis N. Williams, Inez Williams, Lillie B. Williams, Richard Williams, Rexie Williams, Phelix G. Williams, Beatrice Williams, Verdie B. Williams, Henry M. Williams, Lenox D. Williams, James L. Williams, Walter D. Williams, Eula L. Williams, John H. Herrington, Charlie E. Herrington, Gracie P. Herrington, Maudie L. Herrington, Claiborne C. Herrington and Johnnie C. Herrington as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the applications for their identification as such should be refused, and it is so ordered."

You are further advised that you will be allowed fifteen days from the date hereof within which to file arguments in this office, and that at the expiration of said time the papers in the case together with such arguments will be forwarded to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

Special Agent

Tammie Diaby
Acting Chairman.

Registered.

Muskogee, Indian Territory, March 12, 1903.

John H. Herrington,

Poss, Oklahoma.

Dear Sir:

You are hereby notified that on the 28th day of February, 1902, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Tina Davis, et al., of which decision you were advised by registered mail on the 31st day of December, 1902.

Respectfully,

Yours truly,

Tams Birby

Chairman.

No. 5820

For Identification as a Mississippi Choctaw.

Date

JUN 14 1902

Name John H. Herrington.

Age 33 — Blood 1/32 ✓

Post-Office, Foss, Okla. Terr.

Father, Charles Herrington, d.

Mother, Adelaide " d.

Claims through mother —
wife Flavia C. Herrington, d.

No claim for wife —

Children:

Charlie E. Herrington, 8

Gracie P. " 6.

Maudie L. " 5

Clairborne C. " 2

Johnnie C. " 5-m.

Claims for self

& children —

Choctaw MCR 5821

John R. Graham

MCR 5821

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application of John R. Graham, et al.,
for identification as Mississippi Choctaws, M.C.R. 5321.

List of papers forwarded to the Secretary of the Interior
comprising the record in the above case.

	(Page)
Original application of John R. Graham, et al., to the Dawes Commission for identification as Mississippi Choctaws-----	1

Decision of the Commission refusing the application of John R. Graham, et al., for identification as Miss- issippi Choctaws-----	6
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Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., June 14, 1903.

45821.

In the matter of the application of John R. Graham for the identification of himself and his four minor children, Ethel E., Ila E., Johnnie E., and Jimmie E. Graham, as Mississippi Choctaws.

Thomas A. Harrison, Attorneys for applicant.

John R. Graham, being first duly sworn, testifies as follows:

Examination by the Commission.

- Q What is your name? A John R. Graham.
Q What is your age? A I was born in '67, would be 36.
Q What is your post office address? A Foss, Oklahoma Territory.
Q How long have you lived in Oklahoma? A Altogether it has been about 12 years.
Q Where did you live before that? A In Texas.
Q Were you born in Texas? A No sir.
Q How long did you live in Texas? A About 12 years.
Q Where in Texas? A Near Stephenville, I came from Georgia to Texas.
Q Were you born in Georgia? A Yes sir.
Q Where in Georgia? A In McIlmore's Cove.
Q Is your mother living? A No sir.
Q Is your father living? A No sir.
Q What was your father's name? A Burton Graham.
Q What was your mother's name? A Marinda Graham.
Q Through which parent do you claim Choctaw blood? A Through my mother. I was taught that by my mother and father.
Q How much Choctaw blood do you claim? A My grandmother was one-fourth, mother would be half of that.
Q How much would that be? A One-eighth, I would be one-sixteenth.
Q Has your mother ever been recognized in any way or enrolled by the Choctaw tribal authorities of the United States authorities in the Indian Territory as a member of the Choctaw tribe of Indians? A Not that I knew of.
Q Are you married? A Yes sir.
Q What is your wife's name? A I have been married twice.
Q Give me the name of your first wife? A Georgia I. Graham.
Q Is she dead? A Yes sir.
Q Was she a white woman or Choctaw Indian? A White woman.
Q How long has she been dead? A She died last month was six years ago, in Oklahoma.
Q Have you any children by her? A Yes sir.
Q Give me the names of those children? A Ethel E. Graham.

- Q How old is she? A 13 years old.
- Q The next by this same wife? A Ila I. Graham.
- Q How old is Ila? A 7 years old.
- Q Any other children by Georgia, your first wife? A No, thats all by her.
- Q Was Georgia I. Graham the mother of these two children? A Yes sir.
- Q And these two children are now living with you at your home? A Yes sir.
- Q When and where were you married to your first wife, Georgia? A In Praff County, Texas.
- Q What day of the month and year? A I don't believe I can give the date, but I can produce it; it was along about July of either 1883 or 1887, but I don't remember exactly.
- Q Can you produce the proof of that marriage? A I think I can.
- Q What is the name of your second wife? A Jodie Graham.
- Q Is she living? A Yes sir.
- Q Is she a white woman or Choctaw? A White woman.
- Q You do not make any claim for her as a Choctaw? A No sir.
- Q Give me the names of your children by this wife? A Johnnie L. Graham.
- Q Boy? A Yes sir.
- Q How old? A 3 years old.
- Q What is the name of the next one? A Jimmie E. Graham.
- Q How old is he? A About 14 or 15 months old.
- Q When and where were you married to your second wife, Jodie? A The 7th day of September this coming will be five years.
- Q By a minister under a license? A Yes sir.
- Q Where? A At Union City, Oklahoma.
- Q Have you the proof of that marriage with you now? A No sir.
- Q Can you produce it within a reasonable time? A Yes, I suppose so, I had a license and it is recorded there.
- Q Is your name or the names of any of your children on any of the tribal rolls of the Choctaw Nation in the Indian Territory? A No sir., not that I know of.
- Q Have you ever made application for citizenship in the Choctaw Nation for yourself and children to the Choctaw tribal authorities in the Indian Territory? A No sir.
- Q Have you ever made application for citizenship in the Choctaw Nation for yourself and children to the Commission to the Five Civilized Tribes under the act of Congress of June 10, 1898? A No sir.
- Q Have you or any of your children ever been admitted to citizenship in the Choctaw Nation by either the Choctaw tribal authorities, the Commission to the Five Civilized Tribes or the United States Court in the Indian Territory? A No sir.
- Q Is this the first application you have ever made for citizenship in the Choctaw Nation to the Choctaw tribal authorities or the United States authorities in the Indian Territory? A Yes sir.
- Q Do you now come before the Commission to be identified and to have your children identified as Mississippi Choctaws, claiming under article 14 of the treaty of 1830? A Yes sir.
- Q Do you understand that article of that treaty? A Yes, I think I do.

It reads as follows:

*ARTICLE XIV. Each Choctaw head of a family being desirous to remain and become a citizen of the states shall be

permitted to do so, by signifying his intention to the Agent within six months from the ratification of this treaty, and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land, to be bounded by sectional lines of survey, in like manner shall be entitled to one half that quantity for each unmarried child which is living with him over ten years of age, and a quarter section to such child as may be under ten years of age, to adjoin the location of the parent. If they reside upon said lands intending to become citizens of the states for five years after the ratification of this treaty, in that case, a grant in fee simple shall issue; said reservation shall include the present improvement of the head of the family or a portion of it. Persons who claim under this article shall not lose the privilege of a Choctaw citizen, but if they ever remove are not entitled to any portion of the Choctaw annuity."

- Q You understand that now? A Yes sir.
- Q Did any of your Choctaw ancestors comply or attempt to comply with article 14 of that treaty of 1830? A Not that I know of.
- Q What is the name of your ancestor through whom you claim your right to be identified as a Mississippi Choctaw? A My grand mother, Cynthia Jones.
- Q Can you go back further than your grandmother? A No sir. I don't know much about this only what I have heard my father and mother say; I have heard them speak about it and speak about this treaty made by the Indians.
- Q You claim through whom? A Cynthia Jones, my grandmother.
- Q What was her maiden name; whom did she marry? A Her name was Smith and Henry Jones was her husband's name; as far as me knowing, I don't know very many of my kin folks; I have to go by what I have been told, and I have forgotten a good deal of that.
- Q Was Henry Jones a white man? A Yes sir.
- Q How much Choctaw blood did Cynthia Jones have? A One-fourth.
- Q What was her father's name? A I don't know.
- Q What was her mother's name? A I don't know.
- Q How old would she be if living now? A I can not tell you that.
- Q Did she live in Mississippi or Alabama? A Yes sir, in Mississippi, but I don't know just where, I have heard my father and mother speak of them living somewhere in the reservation or near there.
- Q Did she live in the Old Choctaw Nation in Mississippi? A Yes sir or near by there.
- Q Was she the head of a family there in 1830? A I don't know.
- Q Can you give me the name of a Choctaw ancestor who lived in Mississippi in 1830 and was the head of a family there at that time? A No sir.
- Q Do you know if any of your Choctaw ancestors complied or attempted to comply with article fourteen of the treaty of 1830? A No sir.
- Q Did any of your Choctaw ancestors own any land or claim any land in Mississippi or Alabama under article fourteen of the treaty of 1830? A Not that I know of.
- Q Did any of them own any improvements on land in Mississippi or Alabama in 1830? A Not that I know of.
- Q Did any of your Choctaw ancestors within six months after the ratification of the treaty of 1830 go to the United States Indian Agent, Colonel Ward, and tell him that they wanted to stay in Mississippi, take land there and become citizens of the states? A I don't know.
- Q Did any of your Choctaw ancestors at that time, did they

Nation east of the Mississippi River to the Choctaw Nation, Indian Territory, with the other Indians between 1833 and 1836 or 1840? A I don't know.

In 1837 by an act of Congress approved March 3rd of that year, and in 1842 by an act of Congress approved August 23rd of that year, commissions were appointed by Congress which went to Mississippi and heard claimants under article 14 of the treaty of 1830. The reason why these commissions were appointed was because of the complaint made by Choctaw Indians who said they had been to Colonel William Ward, United States Indian Agent, within six months after the ratification of the treaty of 1830, or within six months after the 24th day of February, 1831, and had attempted to register under him under article fourteen of the treaty of 1830, but that he refused to take their names for registration, and because of such refusal to do so a great many Indians who held lands in the old Choctaw Nation upon which they had improvements lost both their lands and improvements; both were taken from them by the government and sold at its public land sales. This caused so many complaints among the Choctaw Indians that in 1837 as well as in 1842, these two commissions were appointed.

- Q Did any of your Choctaw ancestors go before either of these two commissions and claim any benefits as Choctaw Indians under article fourteen of the treaty of 1830? A Not that I know of.
- Q Did any of your Choctaw ancestors receive any script from the government which entitled them to select land either in Mississippi, Alabama, Louisiana or Arkansas? A Not that I know of.

This script was issued to Choctaw Indians who proved their right under article fourteen of the treaty of 1830, and also proved that they had formerly held land in the old Choctaw Nation which had been taken from them by the government and sold.

- Q Are you any relation to Lewis E. Williams? A Not that I know of.
- Q Have you any relatives that have been before the commission to be identified as Mississippi Choctaws? A Not that I know of.
- Q You are the only one of your kin folks that have been before the commission? A Yes sir.
- Q Do you speak the Choctaw language? A No sir.
- Q Have you any other evidence that you want to present now in support of this case? A Not now.
- Q Do you want a little time? A Yes sir.

30 days time is allowed this applicant in which to introduce other proper testimony in support of his application.

By Mr. Harrison:

- Q You spoke of having heard your father and mother, and possibly some other older members of the family speak of the history of

the family back in Mississippi, and that you have forgotten a good deal of what you have heard; you may state what you now remember to have heard about them? A I have heard my father and mother say that my grandmother was a quarter blood; I have heard them speak about the different treaties, about these treaties; that there was right smart disturbance among the Indians there.

- Q Do you remember any particular treaty having been discussed or mentioned by them? A No sir; I have heard my father and mother speak about our rights; that they could be established; I have heard them say that, and talked about doing it.
- Q Did your father undertake to say what their rights were? A No sir, under their Indian blood, I suppose.
- Q Did you ever hear them say as to what particular part of Mississippi your grandmother lived, whether it was on the Indian reservation or near the Indian reservation? A I do not know whether it was on it, but it was near by, because I have heard them speak of the Indians coming around the place, and about giving them things. Both my father and mother lived there.
- Q Speaking of establishing their rights, do you remember hearing your father and mother say anything about your grandmother having at any time tried to get lands over there in Mississippi as a Choctaw Indian? A I can not remember; I have heard them speak so much about it in various ways that I can not remember the facts about it.

By the Commission:

This applicant has the appearance and physical characteristics of being descended from white parentage; dark brown hair; light brown mustache; florid complexion; blue eyes; does not understand the Choctaw language, and has no knowledge of the compliance on the part of his ancestors with any of the provisions of article 14 of the treaty of 1830.

W. H. Martin being first duly sworn on oath states that as stenographer to the Commission to the Five Civilized Tribes he recorded the above proceedings on the 14th day of June, 1902, and that the foregoing is a full, true, and correct transcript of his stenographic notes in the same.

W. H. Martin

Subscribed and sworn to before me this 22nd day of June, 1902.

Charles H. [Signature]
Notary Public.

C.W.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

—0—

In the matter of the application of John E. Graham, et al.,
for identification as Mississippi Choctaws, H.C.B. 5821.

---: D E C I S I O N :---

It appears from the record herein that application for
identification as Mississippi Choctaws was made to this Commission
by John E. Graham for himself and his four minor children, Ethel E.,
Tia I., Johnnie L. and Jimmie E. Graham, under the following pro-
vision of the act of Congress approved June 22, 1896, (30 Stat.,
495):

"Said Commission shall have authority to determine the
identity of persons claiming rights in the Choctaw
lands under article fourteen of the treaty between the United
States and the Choctaw Nation, concluded September twenty-
seventh, eighteen hundred and thirty, and to grant and pay for
mineral rights, mineral privileges and perches, all other lands
necessary thereto and to the Secretary of the Interior."

It also appears that all of said applicants claim rights in
the Choctaw lands under article fourteen of the treaty between the
United States and the Choctaw Nation, concluded September twenty-
seventh, eighteen hundred and thirty, and to the Secretary of the Interior.

ants of Cynthia Jones (nee Smith), who is alleged to have been an one-fourth blood Choctaw Indian and to have resided in Mississippi in eighteen hundred and thirty.

It further appears from the evidence submitted in support of said application, and from the records in the possession of the Commission, that none of said applicants has ever been enrolled by the Choctaw tribal authorities as a member of the Choctaw tribe, or admitted to Choctaw citizenship by a duly constituted court or committee of the Choctaw Nation, or by the Commission to the Five Civilized Tribes, or by a decree of the United States Court in Indian Territory, under the provisions of the act of Congress approved June 10, 1896, (29 Stats., 321).

It does not appear from the testimony and evidence offered in support of said application, or from the records in the possession of the Commission relating to persons who complied or attempted to comply with the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and to persons who heretofore were claimants thereunder, that the said Cynthia Jones (nee Smith), or an ancestor less remote, signified (in person or by proxy) to Colonel Wm. Ward, Indian Agent, Choctaw Agency, an intention to comply with the provisions of said article fourteen, or presented a claim to rights thereunder to either of the Commissions authorized to adjudicate such claims by the acts of Congress approved March 3, 1837, (5 Stats., 180) and August 23, 1842, (5 Stats., 513).

It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of John A. Graham, Ethel W. Graham, Ella I. Graham, Johnnie L. Graham and Jimmie S. Graham as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the

-5-
treaty of eighteen hundred and thirty, and that the application
for their identification as such should be refused, and it is so
ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

WITNESSETH

Tamr Kirby

Acting Chairman.

(SIGNED)

T. B. Needles

Commissioner.

(SIGNED)

C. R. Breckinridge

Commissioner.

Waskogie, Indian Territory.

JAN 7 1903

COPY.

Muskogee, Indian Territory, January 7, 1903.

John R. Graham,

Poss, Oklahoma Territory.

Dear Sir:

You are hereby advised that on the 7th day of January, 1903, the Commission to the Five Civilized Tribes rendered a decision in the case of John R. Graham, et al., applicants for identification as Mississippi Choctaws.

This application was made under the provision of the act of Congress of June 28, 1898 (30 Stats., 495), which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto and make report to the Secretary of the Interior."

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of John R. Graham, Ethel E. Graham, Ida I. Graham, Johnnie L. Graham and Jimmie E. Graham as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the application for their identification as such should be refused, and it is so ordered."

You are further advised that you will be allowed fifteen days from the date hereof within which to file arguments in this

John R. Graham,--2

office, and that at the expiration of said time the papers in the case, together with such arguments will be forwarded to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

Yours,

Tame D. D.
Acting Chairman.

Registered.

5044

M.C.R. 5821

Muskogee, Indian Territory, January 7, 1903.

Mansfield, McMurray & Cornish,

Attorneys for the Choctaw and Chickasaw Nations,

South McAlester, Indian Territory.

Gentlemen:

You are hereby advised that on the 7th day of January, 1903, the Commission to the Five Civilized Tribes rendered a decision in the case of John R. Graham, et al., applicants for identification as Mississippi Choctaws.

This application was made under the provision of the act of Congress of June 28, 1898 (30 Stat., 485).

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of John R. Graham, Ethel E. Graham, Ella I. Graham, Johnnie L. Graham and Jimmie E. Graham as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the application for their identification as such should be refused, and it is so ordered."

You are further advised that the applicants in this case have been allowed fifteen days from the date hereof within which to file arguments in this office, and that at the expiration of said time the papers in the case, together with such arguments will be forwarded to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

Tame Dixie.

Acting Chairman.

COPY

Muskogee, Indian Territory, January 7, 1903.

Thomas & Harrison,

Attorneys at law,

Muskogee, Indian Territory.

Gentlemen:

You are hereby advised that on the 7th day of January, 1903, the Commission to the Five Civilized Tribes rendered a decision in the case of John R. Graham, et al., applicants for identification as Mississippi Choctaws.

This application was made under the provision of the act of Congress of June 25, 1898 (30 Stat., 495), which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto and make report to the Secretary of the Interior."

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of John R. Graham, Ethel E. Graham, Ella I. Graham, Johnnie L. Graham and Jimmie E. Graham as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the application for their identification as such should be refused, and it is so ordered."

Thomas & Harrison, ---8

You are further advised that the applicants in this case have been allowed fifteen days from the date hereof within which to file arguments in this office, and that at the expiration of said time the papers in the case, together with such arguments will be forwarded to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

CHAS. B. BIRBY

Chas. Birby.

Acting Chairman.

Registered.

COPY.

Muskogee, Indian Territory, January 23, 1903.

The Honorable,

The Secretary of the Interior.

Sir:

There is transmitted herewith the record in the case of John R. Graham, et al., applicants to the Commission for Identification as Mississippi Choctaws, including the decision of the Commission of January 7, 1903.

The Commission has the honor to report that the principal applicant herein, his attorneys of record and the attorneys for the Choctaw and Chickasaw Nations have been duly advised by letter of the action of the Commission, copies of said letters being attached to the record.

Respectfully,

Through the
Commissioner of Indian Affairs.

Enc. H.C.R. 5821.

James D. Dwyer.

Acting Chairman.

Land
6146-1903

(Copy)

DEPARTMENT OF THE INTERIOR,
Office of Indian Affairs.

WASHINGTON, February 17, 1903.

The Honorable,

The Secretary of the Interior.

Sir:

I have the honor to submit, herewith, record of the Commission to the Five Civilized Tribes in the matter of the application for identification as Mississippi Choctaws of John R. Graham, for himself and four children, Ethel E., Ila I., Johnnie L., and Jimmie E. Graham, wherein a decision adverse to the applicants was rendered by the Commission on January 7, 1903.

The evidence in this case shows that the applicants make their claim to identification by reason of their descent from one Cynthia (Smith) Jones, who, it is alleged, was a citizen of the Choctaw Nation and resided in Mississippi in 1830.

The decision of the Commission rejecting these applicants is based on the ground that the name of Cynthia (Smith) Jones does not appear on its records as one of those persons who complied or attempted to comply with the provisions of the 14th article of the Choctaw treaty of 1830.

The records of this office, upon examination, disclose the fact that the name of Cynthia (Smith) Jones is not included in the

-2-

list of those persons who complied or attempted to comply with the provisions of the 14th article of the Choctaw treaty of 1830, and I have to recommend that the decision of the Commission rejecting these applicants be approved.

Very respectfully,

A. C. TONER,

Acting Commissioner.

E.B.H. H'r.

3 enclosures.

D.C. 7659-1903.
ITD. 1990-1903.

(Copy)

KAP.

DEPARTMENT OF THE INTERIOR,

IRS.

WASHINGTON, March 16, 1903.

Commission to the Five Civilized Tribes.

Muskogee, I. T.

Gentlemen:

With your letter of January 23, 1903, you transmitted the record in the matter of the application for identification as Mississippi Choctaws, of John R. Graham and his minor children, Ethel E., Ila I., Johnnie L. and Jimmie E. Graham, including your decision of January 7, 1903, refusing the application.

The applicants claim rights in Choctaw lands under article 14 of the treaty of September 27, 1830, by reason of being descendants of one Cynthia Jones, nee Smith, alleged to have been a one-fourth blood Choctaw Indian residing in Mississippi in 1830.

The records fail to show that the applicants were ever admitted or enrolled as citizens of the Choctaw Nation, or that said Cynthia Jones, or an ancestor less remote, complied or attempted to comply with said article 14 or with either of the acts of March 3, 1837 (5 Stat., 320) and August 23, 1842 (5 Stat., 513.)

Reporting February 17, 1903, the Acting Commissioner of Indian Affairs recommends approval of your decision. A copy of his letter is inclosed.

-2-

The Department has carefully reviewed the whole record and hereby affirms the decision rendered.

Respectfully,

THOS. RYAN,

Acting Secretary.

1 inclosure.

M.C.R. 8821

COPY.

Waukegon, Indian Territory, March 24, 1903.

Manfield, Malturray & Gornish,

Attorneys for the Cheate and Chickasaw Nations,
South McAlester, Indian Territory.

Gentlemen:

You are hereby notified that on the 10th day of March, 1903, the secretary of the Interior affirmed the decision of this Commission refusing the application for identification as Mississippi Choctaws of the several persons included in the case of John R. Graham, et al., of which decision you were advised by mail on the 7th day of January, 1903.

Respectfully,

(SIGNED)

Laurel P. P. P.
Chairman.

H.C.R. 5521

COPY.

Muskogee, Indian Territory, March 24, 1903.

John R. Graham,

Peew, Oklahoma.

Dear Sir:

You are hereby notified that on the 15th day of March, 1903, the Secretary of the Interior affirmed the decision of this Commission refusing the application for identification as Mississippi Choctaws of the several persons included in the case of John R. Graham, et al., of which decision you were advised by registered mail on the 7th day of January, 1903.

Respectfully,

(SIGNED):

James R. Birney
Chairman.

M.C.R. 5821.

COPY.

Muskogee, Indian Territory, March 24, 1903.

Thomas & Harrison,

~~Attorneys-at-law,~~

Muskogee, Indian Territory,

Gentlemen:

You are hereby notified that on the 16th day of March, 1903, the Secretary of the Interior affirmed the decision of this Commission refusing the application for identification as Mississippi Choctaws of the several persons included in the case of John R. Graham, et al., of which decision you were advised by registered mail on the 7th day of January, 1903.

Respectfully,

(SIGNED).

Tamm Birby

Chairman.

For Identification as a Mississippi Choctaw.

Date JUN 14 1902

Name John R. Graham.

Age 35 - Blood 1/16

Post-Office, Foss. Okla, Tex.

Father: Burton Graham, d

Mother: Marinda " d

Claims through mother -

wife (1) Georgia D. Graham, d w.

wife (2)

Jodie Graham, l. w.

No claim for wife -

Children:

Ethel E. Graham, 12

La I. " 7

The 2 children above are by 1st wife Georgia D. Graham,

Johnnie L. Graham 34 years

Jimmie E. " 15 m

Jodie Graham is the mother of 2 youngest children -

Claim for prop 2 4 children

W. H. Martin -

Choctaw MCR 5822

Mary A. Wade

See MCR 4006

MCR 5822

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., June 12, 1902.

#3322.

In the matter of the application of Mary A. Wade for the identification of herself and her two minor children, Edgar B. and Glennan A. Wade, as Mississippi Choctaws.

J. G. Ralls, attorney for applicant.

Mary A. Wade being first duly sworn on oath testifies as follows:

Examination by the Commission.

- Q What is your name? A Mary A. Wade.
Q How old are you? A Twenty-two.
Q What is your post-office address? A Jacksonville, Texas.
Q How long have you lived in Jacksonville? A About three years.
Q Where did you live before that? A At Bullard, Texas.
Q Were you born in Texas? A Yes sir.
Q Where in Texas? A Near Bullard.
Q Is your father living? A Yes sir.
Q Is your mother living? A No sir.
Q What is your father's name? A Lawrence W. Dumas.
Q What was your mother's name? A Martha T. Dumas.
Q Through which parent do you claim Choctaw blood? A Through my father.
Q How much Choctaw blood do you claim? A One-thirty-second, I believe.
Q Has your father ever been recognized in any way or enrolled as a Choctaw Indian by the Choctaw tribal authorities or the United States authorities in the Indian Territory? A Not sir.
Q Can you tell when and where your father and mother were married?
A They were married at Lawrence, Texas.
Q Were they married under a license by a Minister? A Yes sir.
Q Can you give the day of the month and year of their marriage?
A The 27th of October, 1879, I believe.
Q Have you the proof of that marriage with you now? A No sir.

Mr Ralls: That has been filed or will be filed in her father's case, Lawrence W. Dumas.

- Q Are you married? A Yes sir.
Q What is your husband's name? A Walter B. Wade.
Q Is he living? A Yes sir.
Q Is he a Choctaw Indian or white man? A White man.
Q Do you make any claim for him? A No sir.

- Q Have you any children you want to make application for? A Yes sir, two.
- Q What is the name of the oldest? A Edgar D. Wade.
- Q How old is he? A Two years old.
- Q How old is the next? A Six months old.
- Q What is the name of the next child? A Glennan A. Wade.
- Q You make application for yourself and these two children? A Yes sir.
- Q Is Walter O Wade the father of these children? A Yes sir.
- Q Are you living with him at your home, and these children living with you? A Yes sir.
- Q Were either you or your husband married before you married each other? A No sir.
- Q Is your name on any of the tribal rolls of the Choctaw Nation in the Indian Territory? A I don't know.
- Q You never heard that you were enrolled as an Indian did you; you were not put on the rolls as an Indian? A No sir.
- Q Have you ever made application for citizenship in the Choctaw Nation to the Choctaw tribal authorities in the Indian Territory? A No sir.
- Q Have you ever made application for citizenship in the Choctaw Nation to the Commission to the Five Civilized Tribes under the act of Congress of June 10, 1898? A No sir.
- Q Have you ever made application to any authority whatever for citizenship or enrollment in the Choctaw Nation for yourself and children either to the Choctaw tribal authorities or the United States authorities in the Indian Territory? A No sir.
- Q Have you or your children ever been admitted to citizenship in the Choctaw Nation by any authority whatever up to the present time? A No sir.
- Q Do you now come before the Commission to identify yourself and these children as Mississippi Choctaws? A Yes sir.
- Q Do you claim under article fourteen of the treaty of 1830? A Yes sir.
- Q Do you understand that article of that treaty? A I never did make my claim.
- Q You do not understand it very thoroughly? A No sir.

The treaty of 1830 was made at a place in Mississippi called Dancing Rabbit Creek on the 27th day of September, 1830. The object of the treaty was to remove all the Choctaw Indians who formerly lived in the old Choctaw Nation east of the Mississippi river to the Choctaw Nation, Indian Territory. Before the treaty was signed it became known that a good many Choctaw Indians would not go to the Choctaw Nation, Indian Territory, between six and seven thousand of them refused to go, and in order to protect the interests of those Indians who stayed back in the old Choctaw Nation article fourteen was drafted and put into the treaty of 1830, the treaty was then signed, and on the 24th day of February, 1831, was ratified. That article reads as follows:

"ARTICLE XIV. Each Choctaw head of a family being desirous to remain and become a citizen of the states shall be permitted to do so by signifying his intention to the Agent within six months from the ratification of this treaty, and

he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land, to be bounded by sectional lines of survey; in like manner shall be entitled to one half that quantity for each unmarried child which is living with him over ten years of age, and a quarter section to such child as may be under ten years of age, to adjoin the location of the parent. If they reside upon said lands intending to become citizens of the states for five years after the ratification of this treaty, in that case a grant in fee simple shall issue. Said reservation shall include the present improvement of the head of the family, or a portion of it. Persons who claim under this article shall not lose the privilege of a Choctaw citizen, but if they ever remove are not entitled to any portion of the Choctaw annuity."

- Q Did any of your Choctaw ancestors comply or attempt to comply in any way with article fourteen of that treaty? A No sir, I don't know.
- Q What is the name of your Choctaw ancestor through whom you claim your right to be identified as a Mississippi Choctaw? A Elizabeth Dumas.
- Q What was her maiden name? A Brashears.
- Q How much Choctaw blood did she have? A One-fourth I believe.
- Q What was the name of her husband? A E. D., E. W. Dumas.
- Q You change that from E. D. to E. W.? A Yes sir.
- Q Was he a white man? A Yes sir.
- Q Did he live with his wife, Elizabeth, in Mississippi in 1830 or in Alabama? A In Mississippi.
- Q In the old Choctaw Nation? A Yes sir.
- Q Do you know whether she had a family of children living there with her at that time? A Yes sir.
- Q She was the head of a family in Mississippi in 1830, in the old Choctaw Nation? A Yes sir.
- Q Did she comply or attempt to comply with article fourteen of the treaty of 1830, or anyone in her behalf? A I don't know.
- Q How old would she be if living now? A I can't say.
- Q Do you know where and when she was born? A No sir.
- Q Do you know where and when she died? A No sir.
- Q Did she speak the Choctaw language? A I don't know.
- Q Did she have a Choctaw Indian name? A No sir, I think not.
- Q You claim through your father, Lawrence W. Dumas? A Yes sir.
- Q He has made application himself to be identified as a Mississippi Choctaw before the Commission? A Yes sir.
- Q How old is he at the present time? A Fifty-two.
- Q What relation was Elizabeth Dumas to you? A My great grandmother.
- Q Did your father, Lawrence W. Dumas, live in Mississippi or Alabama? A No sir.
- Q Where was he born? A In Texas.
- Q In what place in Texas? A At Magnolia, I believe.
- Q Did he always live in Texas? A Yes sir.
- Q He lives there now? A Yes sir.
- Q He claims through whom, his father or mother? A His father.
- Q What was his father's name? A Lawrence W. Dumas.
- Q Where was his father, Lawrence W. Dumas, born? A I think he was born in Mississippi.
- Q Do you remember where in Mississippi? A No sir I don't.

- Q How old would he be if living now? A I don't know.
- Q Where did he die? A He died at Magnolia, Texas.
- Q How old was e when he died? A I don't know.
- Q Did he live in Mississippi in 1830, your grandfather? A I don't know.
- Q What was his fat er's name? A F. W. Dumas.
- Q Who married Elizabeth Brashears? A Yes sir.
- Q And they were the ancestors so far as you know who lived in Mississippi in 1830 and were the heads of families there then? A Yes sir.
- Q Did any of your Choctaw ancestors own any land or claim any land in Mississippi or Alabama in the old Choctaw Nation under article fourteen of the treaty of 1830? A I don't know.
- Q Did any of your Choctaw ancestors own any improvements on land in the old Choctaw Nation in Mississippi or Alabama in 1830? A I don't know.
- Q Did any of your Choctaw ancestors go from that old Choctaw Nation east of the Mississippi river to the Choctaw Nation, Indian Territory, with the other Indians between 1833 and 1836 or 1840? A I don't know.
- Q Did any of them within six months after the ratification of the treaty of 1830 go to Colonel Ward, the United States Indian Agent, within six months after the ratification of the treaty of 1830, and tell him that they wanted to stay in Mississippi, take land there and become citizens of the states? A I don't know.

The Choctaw Indians who stayed in the old Choctaw Nation east of the Mississippi river after the treaty of 1830 was ratified were required if they wanted to take advantage of article fourteen of that treaty, to go to Colonel Ward, the United States Indian Agent, within six months after the ratification of the treaty, or within six months after February 24th, 1831, and tell him that they wanted to stay in Mississippi take land there and become citizens of the states. A great many Choctaw Indians did this whose names Colonel Ward neglected to put upon his list, known as Ward's Register; his neglect caused a great many of the Choctaw Indians who held land in Mississippi, upon which they had improvements, to lose both land and improvements; both were taken by the government and sold at its public land sales. This caused so many complaints among the Indians, that in 1837 by an act of Congress approved March 3rd of that year, a commission was appointed by Congress which went to Mississippi and heard claimants under article 14 of the treaty of 1830. In 1842 by an act of Congress approved August 23rd of that year another commission was appointed by Congress for the same purpose, and this commission also went to Mississippi and heard claimants under article 14 of the treaty of 1830.

- Q Did any of your Choctaw ancestors go before either of these two commissions, that of 1837 or that of 1842, and claim any benefits as Choctaw Indians under article 14 of the treaty of Dancing Rabbit Creek? A I don't know.
- Q Did any of your Choctaw ancestors receive any script from the government or certificates which were issued to Choctaw Indians who had proved their rights under article 14 of the treaty of 1830, and also proved that their land which they formerly held in the old Choctaw Nation had been taken by the government and

sold? A I don't know.

This script was issued under an act of Congress approved August 23rd, 1842.

- Q Have you any relatives who have been before the Commission to be identified as Mississippi Choctaws? A Yes sir.
 Q Your father, Lawrence W. Dumas is one? A Yes sir.
 Q What relation is Scott S. Dumas to you? A A second cousin of mine.
 Q He has also been before the Commission? A Yes sir.
 Q And his brothers and other relatives of yours? A Yes sir.
 Q A great many that claim through Elizabeth Dumas? A Yes sir.
 Q Would you like to have their cases consolidated with your case and all placed under the head of Scott S. Dumas? A Yes sir.

The case of Scott S. Dumas, M C R 4006, is here referred to for the purpose of consolidation of these cases.

- Q Do you speak or understand the Choctaw language? A No sir.
 Q Is there anything further that you would like to say in support of this claim; have you any evidence that you want to introduce now? A No sir.

This applicant has the appearance and physical characteristics of being descended from white parentage; gray eyes; brown hair; medium light complexion; does not understand or have any knowledge of the Choctaw language; and does not know whether her ancestors ever complied with any of the provisions of article fourteen of the treaty of 1830.

W H Martin being first duly sworn on oath states that as stenographer to the Commission to the Five Civilized Tribes he recorded the above proceedings on the 18th day of June, 1902, and that the foregoing is a full, true and correct transcript of his stenographic notes in the same.

W H Martin

Subscribed and sworn to before me this 23rd day of June, 1902.

Clarence H. Hall
 Notary Public.

COMMISSIONERS
TAMM BIXBY,
THOMAS B. NEEDLES
C. R. BRECKINRIDGE
W. E. STANLEY

ALLISON L. AYLESWORTH,
SECRETARY

COPY.

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES

REFER IN REPLY TO THE FOLLOWING

M. C. R. 5822.

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES

MUSKOGEE, INDIAN TERRITORY, May 15, 1903.

Mary A. Wade,
Jacksonville, Texas.

You are hereby advised that on the 15th day of May, 1903, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Scott S. Dumas, et al., embracing the following applications for identification as Mississippi Choctaws:

Scott S. Dumas, et al.,	M. C. R. 4006
Miles G. Lantrip,	M. C. R. 4737
Mary P. Phillips, et al.,	M. C. R. 4738
Isom Lantrip,	M. C. R. 4739
William T. Brasher, et al.,	M. C. R. 4740
Andy Brasher, et al.,	M. C. R. 4741
Robert L. Brasher,	M. C. R. 4742
Albert Collums,	M. C. R. 4743
James S. Collums,	M. C. R. 4744
Thaddeus W. Dumas,	M. C. R. 5737
Aurelius W. Dumas,	M. C. R. 5726
Alexander Dumas, et al.,	M. C. R. 6113
Sharkey H. Roth,	M. C. R. 5845
Mary E. Carothers, et al.,	M. C. R. 5700
Carrie McConico, et al.,	M. C. R. 5520
Bernard A. Williams, et al.,	M. C. R. 5144
Maud Cain, et al.,	M. C. R. 5807
Claude A. Grantham, et al.,	M. C. R. 5714
James J. Dumas, et al.,	M. C. R. 5717
Sydney L. Dumas,	M. C. R. 5803
Adella Caroline Hardin, et al.,	M. C. R. 5698
Lulu K. Smith, et al.,	M. C. R. 5699
Benjamin F. Dumas,	M. C. R. 4521
James D. Dumas, et al.,	M. C. R. 4524
Ennis Palmer, et al.,	M. C. R. 5857
Maud Terry, et al.,	M. C. R. 4525
Lottie McCoy,	M. C. R. 4522
Jane E. McCreary,	M. C. R. 4523
Mary C. L. Hollis, et al.,	M. C. R. 4222
William H. Hollis, et al.,	M. C. R. 4211
Lawrence W. Hollis, et al.,	M. C. R. 4310
Minnie H. Nicolds, et al.,	M. C. R. 4312
Mary C. McLeod, et al.,	M. C. R. 4313
Hattie E. Andrews, et al.,	M. C. R. 4314
Charlie T. Skinner, et al.,	M. C. R. 4315

Thomas H. Hollis,	M. C. R. 4309
Blanche G. Merchant,	M. C. R. 4223
Lawrence W. Dumas, et al.,	M. C. R. 5731
Mary A. Wade, et al.,	M. C. R. 5822
Willie P. Dumas, et al.,	M. C. R. 5810
John R. Dumas, et al.,	M. C. R. 5701
Carrie A. Wilkerson, et al.,	M. C. R. 5703
Maggie Ida Dumas,	M. C. R. 5702
William P. Mims,	M. C. R. 5985
Ransom E. Mims, et al.,	M. C. R. 5858
Frank E. Dumas,	M. C. R. 5732
Ben M. Dumas,	M. C. R. 5811
Edward W. Blakey, et al.,	M. C. R. 5425
Nannie Black, et al.,	M. C. R. 4185
Charles H. Black,	M. C. R. 4200
Ammon Wood, et al.,	M. C. R. 4202
Willie Wood,	M. C. R. 4203
Ellington Wood,	M. C. R. 4199
Edna Fry,	M. C. R. 4286
Robert B. Shipp, et al.,	M. C. R. 4285
Maria J. Crawford, et al.,	M. C. R. 4115
Majie J. Crawford Cole, et al.,	M. C. R. 4116
Elizabeth Baxter Caldwell, et al.,	M. C. R. 4114
Jennie B. H. Calhoun, et al.,	M. C. R. 4117
J. M. Crawford, et al.,	M. C. R. 4094
Robert H. Crawford,	M. C. R. 4164
Edna M. Folliard, et al.,	M. C. R. 4168
Everett B. Crawford, et al.,	M. C. R. 4165
Edwin R. Crawford,	M. C. R. 4077
Pinkie Crenger, et al.,	M. C. R. 4169
Fannie Sharp, et al.,	M. C. R. 4433
George H. Gresham,	M. C. R. 4098
Oliver P. Gresham, et al.,	M. C. R. 4095
Robert O. Gresham, et al.,	M. C. R. 4201
Erma Biglow,	M. C. R. 4435
David E. Dumas,	M. C. R. 4651
DeBerry G. Dumas, et al.,	M. C. R. 4119
Birdie D. Carlet, et al.,	M. C. R. 4123
Mack O. Dumas,	M. C. R. 4658
Susan M. Hendricks,	M. C. R. 4121
Onia Ann Stephens, et al.,	M. C. R. 4096
Jackson E. Hendricks, Jr., et al.,	M. C. R. 4126
Mary H. Decker, et al.,	M. C. R. 4122
Helen Martin, et al.,	M. C. R. 4097
John W. Dumas,	M. C. R. 5012
Ada B. Ewing, et al.,	M. C. R. 4284
Minnie P. Dumas,	M. C. R. 5011
Malinda Blanks, et al.,	M. C. R. 4118
William C. Blanks, et al.,	M. C. R. 4185
Robert E. Blanks, et al.,	M. C. R. 4139
Nora E. Binford,	M. C. R. 4125
Birdie A. Wilson, et al.,	M. C. R. 4184
Albert G. Dumas, et al.,	M. C. R. 4631
Roxanna Freeman, et al.,	M. C. R. 4850
Arizona Elizabeth Daniels, et al.,	M. C. R. 4633
Dixie Dumas Connolly, et al.,	M. C. R. 4632
Maude Florence Clark, et al.,	M. C. R. 5713
May L. Brown,	M. C. R. 5725

Murat Dumas, et al.,	M. C. R. 5715
Lula A. Dumas,	M. C. R. 5716
Lena Fulton, et al.,	M. C. R. 4144
Lauren Scott Cannon, et al.,	M. C. R. 4145
Eula Umphress, et al.,	M. C. R. 4146
Pearl Barron, et al.,	M. C. R. 4147
James W. Wheat, et al.,	M. C. R. 4695
Ivy A. Fowler,	M. C. R. 4696
Dan H. Dumas, et al.,	M. C. R. 3766
Eula D. Shivel,	M. C. R. 4075
Walter W. Dumas,	M. C. R. 4015
James P. Dumas,	M. C. R. 3503
Travis M. Dumas, et al.,	M. C. R. 4007
Verna J. Dumas, et al.,	M. C. R. 4140
Laura D. Cole, et al.,	M. C. R. 4141
Victoria J. Pierce, et al.,	M. C. R. 4066
Lee W. T. Herman,	M. C. R. 4254
Annie B. Wallace, et al.,	M. C. R. 4250
Louis Dumas, et al.,	M. C. R. 4014
Belle Leslie, et al.,	M. C. R. 4067
John F. Sanders, et al.,	M. C. R. 5445
Nancy J. Whorton, et al.,	M. C. R. 5446
James L. Sanders,	M. C. R. 5560
Julia A. Wells,	M. C. R. 5559
Emsley M. Sanders, et al.,	M. C. R. 5804
Cora C. Bond, et al.,	M. C. R. 4620
Margaret K. Aston, et al.,	M. C. R. 4562
Mary Jane Damron, et al.,	M. C. R. 5805
William E. Aston, et al.,	M. C. R. 4583
Vic Damron, et al.,	M. C. R. 4619
Cynthia Jane Dicken, et al.,	M. C. R. 4582
William T. Sanders, et al.,	M. C. R. 5444
James P. Sanders, et al.,	M. C. R. 4069
Missieniah Ellison, et al.,	M. C. R. 4154
Lillie Page, et al.,	M. C. R. 4155
Walter H. Thompson,	M. C. R. 4142
Jeff D. Thompson, et al.,	M. C. R. 4016
Mary A. Ferguson, et al.,	M. C. R. 4772
Vergie J. Powers, et al.,	M. C. R. 4773
Willie E. Ferguson, et al.,	M. C. R. 4774
Alonzo A. Ferguson,	M. C. R. 4775
Sue A. Thompson, et al.,	M. C. R. 4389
Ada Thompson,	M. C. R. 4076
Emma C. Canon, et al.,	M. C. R. 3414
Winnie D. Canon,	M. C. R. 3415
Delmer Canon,	M. C. R. 3761
George Thompson, et al.,	M. C. R. 3756
George Homer Thompson,	M. C. R. 3757
Ida Sandford,	M. C. R. 3759
Lula Thompson Noe, et al.,	M. C. R. 3760
Verner L. Dumas,	M. C. R. 5719
James Don Dumas, et al.,	M. C. R. 5720
Claude E. Dumas, et al.,	M. C. R. 5721
Missie E. Biggerstaff, et al.,	M. C. R. 5722
Nettie A. Woolverton,	M. C. R. 6185
Elizabeth Wood,	M. C. R. 6268
Eula P. Niswander, et al.,	M. C. R. 6342
Lawrence L. Thompson, et al.,	M. C. R. 6373

These applications were made under the provision of the act of Congress of June 28, 1898 (30 Stats., 495), which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto, and make report to the Secretary of the Interior."

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Scott S. Dumas, Ruth Dumas, Miles G. Lantrip, Mary P. Phillips, Early E. Phillips, Esther E. Phillips, Maud E. Phillips, Leo R. Phillips, Myrtle Phillips, Leland Phillips, Durelle Phillips, Rex Phillips, Isom Lantrip, William T. Brasher, Maltie Brasher, Vaudy Brasher, Cordy Brasher, Andy Brasher, Ada Brasher, William C. Brasher, Robert L. Brasher, Albert Collums, James S. Collums, Thaddeus W. Dumas, Aurelius W. Dumas, Alexander Dumas, Dixie M. Dumas, Melville Sidney Dumas, Charles I. Dumas, Sharkey H. Roth, Mary E. Carothers, Ida Blanche McClurg, Susie May McClurg, Ada Maud McClurg, Monroe McClurg, Carrie McConico, Nannie May Mobley, Henry Pope Mobley, Willie McConico, Bernard A. Williams, Marcella Williams, John Williams, Vernie Williams, Maud Williams, Hattie Williams, Maud Cain, John Joseph Cain, Ida May Cain, Claude A. Grantham, Chaudin May Grantham, James J. Dumas, Lawrence Dumas, Sydney L. Dumas, Adella Caroline Hardin, Olie Caroline Hardin, Clyde Abraham Hardin, Lula K. Smith, Opal Smith, Benjamin F. Dumas, James D. Dumas, Abbie A. Dumas, James H. Dumas, Gladys Dumas, Benjamin Dumas, Ennis Palmer, Edgar Palmer, Erbert Palmer, Maud Terry, Moira Terry, Dumas Terry, Miltwee Terry, Lottie McCoy, Jane E. McCreary, Mary C. L. Hollis, Linnie L. Hollis, William H. Hollis, William H. Hollis, Jr., Lawrence W. Hollis, Eva M. Hollis, Lawrence W. Hollis, Jr., Beatrice M. Hollis, Scott W. Hollis, Minnie H. Nicolds, Richard Nicolds, Hollis Nicolds, Kate Nicolds, Edward Nicolds, Minnie Nicolds, Mary C. McLeod, Mary L. McLeod, Hattie E. Andrews, Max R. Andrews, Jr., Hattie E. Andrews (2), Charlie T. Skinner, Blanche L. Skinner, Thomas H. Hollis, Blanche G. Merchant, Lawrence W. Dumas, Mallie T. Dumas, Annie C. Dumas, Katie L. Dumas, Janie S. Dumas, Lawrence W. Dumas, Jr., Mary A. Wade, Edgar D. Wade, Glenman A. Wade, Willie P. Dumas, Jennie W. Dumas, Clark G. Dumas, Earis Dumas, John R. Dumas, Walter A. Dumas, Justin R. Dumas, Carrie A. Wilkerson, James A. Wilkerson, Walter D. Wilkerson, Maggie Ida Dumas, William P. Mims, Ransom E. Mims, Oscar M. Mims, William T. Mims, Frank E. Dumas, Ben M. Dumas, Edward W. Blakey, Edna Blakey, John Blakey, Nannie Black, Catherine Black, Charles H. Black, Ammon Wood, Willie A. Wood, Leslie B. Wood, Willie Wood, Ellington Wood, Edna Fry, Robert B. Shipp, Ruby B. Shipp, Maria J. Crawford, Lucille Crawford, Ghent Crawford, Ed S. Crawford, Jr., Jodie F. Crawford, Majie J. Crawford Cole, Jewel I. Cole, James A. Cole, Susie M. Cole, Christine Cole, Majie Douglass Cole, Elizabeth Baxter Caldwell, Mabel E. Caldwell, Jodie Lee Caldwell, Jennie B. H. Calhoun, Owen H. Calhoun, Edwin C. Calhoun, J. M. Crawford, Edwin Dickey Crawford, Hattie May Crawford, James M. Crawford, Jr., Ellen Lee Crawford, Robert H. Crawford, Edna M. Folliard, Crawford J. Folliard, Aileen Folliard, Cecil H. Folliard, William Richard Folliard, Everett B. Crawford, Everett B. Crawford, Jr., Edwin R. Crawford, Pinkie Creager, Margaret E. Creager, Fannie Sharp, Dan M. Sharp, Charlotte Jane Sharp, George H. Gresham, Oliver P. Gresham, Lizzie D. Gresham, Frances Margret Gresham, Robert O. Gresham, Hill Campbell Gresham, Erna Biglow, David E. Dumas, DeBerry G. Dumas, Walter A. Dumas, Birdie D. Carlet, Glenna W. Carlet, Helen C. Carlet, Mack O. Dumas, Susan M. Hendricks, Onia Ann Stephens, Leno A. Stephens, Harold Richard Stephens, Louise Stephens, Vernon Stephens, Charles Edwin Stephens, Jr., Jackson E. Hendricks, Jr., Hallie H. Hendricks, Ruth Hendricks, Rubie Hendricks, Mary H. Decker, William H. Decker, Jr., Susan H. Decker, Helen Martin, Vera Martin, Alma Martin, Samuel Martin, John W. Dumas, Ada B. Ewing, Froda Ewing, Mabel Ewing, Minnie P. Dumas, Malinda Blanks, Arthur Blanks, William C. Blanks, Ruth J. Blanks, Mary G. Blanks, Robert E. Blanks, Robert E. Blanks, Jr., Nora E. Binford, Birdie A. Wilson, John H. Wilson, Albert G. Dumas, Arline Dumas, Lisle Dumas, Dixie D. Dumas, Roxanna Freeman, William Clyde Freeman, Arizona Elizabeth Daniels, Stafford Livonia Daniels, Dixie Dumas Connolly, Sybil Connolly, Frank C. Connolly, Maude Florence Clark, Irene L. Clark, May L. Brown, Murat Dumas, Eugene Dumas, Lula A. Dumas, Lena Fulton, J. Harold Fulton, Clifford C. Fulton, Lauren Scott Cannon, Josiah R. Cannon, Kathleone Cannon, Eula Umphress, Carl C. Umphress, Helen M. Umphress, Pearl Barron, Guyon Elizabeth Barron, James W. Wheat, Dumas Wheat, Ivy A. Fowler, Dan H. Dumas, Harriet Pinkey Dumas, Eula D. Shivel, Walter W. Dumas, James P. Dumas, Travis M. Dumas, Lige F. Dumas,

Verna J. Dumas, Hazel A. Dumas, Laura D. Cole, Dorothy Cole, Victoria J. Pierce, Louis Pierce, Arthur Pierce, Lee W. T. Herman, Annie B. Wallace, Gladys Wallace, Marvin Wallace, Hortense Wallace, Ferrol Wallace, Louis Dumas, Ward Lamont Dumas, Fred Dumas, Mary A. E. Dumas, Belle Leslie, Gerline Leslie, Mae D. Leslie, Lloyd Leslie, Karl Leslie, John F. Sanders, Robert D. Sanders, Cynthia Beatrice Sanders, Turner Lee Sanders, Nancy J. Whorton, Mabel Whorton, James L. Sanders, Julia A. Wells, Emsley M. Sanders, Dottie Sanders, Cora C. Bond, Callie Bond, Ray M. Bond, Clede Bond, Margaret K. Aston, Belva Lockwood Aston, Mary Jane Damron, Emma J. Damron, Claud M. Damron, Maud Damron, Lila C. Damron, Walter W. Damron, Minnie Damron, Mamie Damron, Joseph Scott Damron, William E. Aston, Eula M. Aston, Verna D. Aston, Texanna Aston, Willie Eunice Aston, Lonie H. Aston, William Edward Aston, Jr., Vic Damron, Clara Bell Damron, Hugh Ella Damron, Jimmie Otha Damron, Nora May Damron, Willie Monroe Damron, Cynthia Jane Dicken, John R. Ferguson, William T. Sanders, Louis Burke Sanders, Wilda D. Sanders, James P. Sanders, Nellie Sanders, Cora Sanders, Olive Sanders, Missieniah Ellison, Lena Nichols, Alma Ellison, Lillie Page, Marie Page, Catharine Page, Walter H. Thompson, Jeff D. Thompson, Clarence E. Thompson, James A. Thompson, Willie L. Thompson, Madeline F. Thompson, Gracie L. Thompson, Elsie Thompson, Mary L. Thompson, Minnie L. Thompson, Essie B. Thompson, Myrtle Thompson, John L. Thompson, Mary A. Ferguson, Julia A. Ferguson, Jeff Ferguson, Scotty S. Ferguson, Georgie B. Ferguson, Lovard E. Ferguson, Vergie J. Powers, Murray Powers, Maybell Powers, Willie E. Ferguson, Vergie B. Ferguson, Frank G. Ferguson, Alonzo A. Ferguson, Sue A. Thompson, May Thompson, Ada Thompson, Emma C. Canon, Emsley J. Canon, Alexander Canon, Tullie Clyde Canon, Winnie D. Canon, Delmer Canon, George Thompson, Charlie W. Thompson, Luther Bell Thompson, Mary Gertrude Thompson, George Homer Thompson, Ida Sanford, Lula Thompson Noe, Chester William Noe, Verner L. Dumas, James Don Dumas, Ella May Dumas, Claude E. Dumas, Jim Dumas, Missie E. Biggerstaff, Dora Biggerstaff, John M. Biggerstaff, Winnie Biggerstaff, Gladys Biggerstaff, Nettie A. Woolverton, Elizabeth Wood, Eula P. Niswander, Mildred Niswander, Lawrence L. Thompson, Mildred Bell Thompson, Lawrence L. Thompson, Jr., Cornelia Elizabeth Thompson and Willie Thompson as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the applications for their identification as such should be refused, and it is so ordered."

You are further advised that you will be allowed fifteen days from the date hereof within which to file arguments in this office, and that at the expiration of said time the papers in the case, together with such arguments will be forwarded to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

(SIGNED),

Anna Dickey

Chairman.

Registered.

MJR-5822

COPY.

Muskogee, Indian Territory, January 22, 1906.

Mary A. Wade,

Jacksonville, Texas.

Dear Madam:

You are hereby notified that the Secretary of the Interior, on January 5, 1906, affirmed the decision of the Commission to the Five Civilized Tribes of May 15, 1903, refusing the applications of the several persons included in the consolidated Mississippi Choctaw case of Scott S. Dumas, et al., of which, the application for the identification of yourself and minor children, Edgar D. and Glennan A. Wade, as Mississippi Choctaws, is a part.

Respectfully,

SIGNED *[Signature]*

Commissioner.

For Identification as a Mississippi Choctaw.

Date

6

Name Mary A. Wade.

Age 22 - Blood 1/32

Post-Office. Jacksonville, Texas.

Father. Laurence W. Dumas, l.

Mother Martha D. " d.

Claims through

Husband, father.

Walter C. Wade, l. w.

No claim for husband

Children:

Edgar H. Wade, 2

Glennan A. " 6 m

Claims for self &
2 children

Stenographer

W. H. Martin.



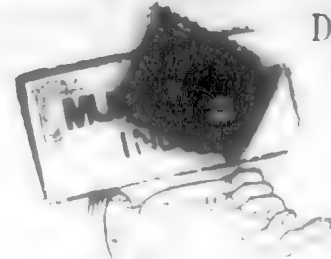
DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.
FILED
JUL 2 1903



CHIEF



17198



Department of the Interior.

Commission to the Five Civilized Tribes,
MUSKOGEE, IND. TER.

OFFICIAL BUSINESS.

Penalty for private use, \$300.

Mary A. Wade,

Jacksonville, Texas.

REGISTERED

MUSKOGEE, IND. TER.

1816

Registered No. $\frac{302}{298}$

Choctaw MCR 5823

Nancy Atkinson

See MCR 5824, 5830, 5928
5868, 5825, 5826, 5867, 5827
5828, 5829

MCR 5823

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application of Nancy Atkinson, et al., for identification as Mississippi Choctaws, consolidating the following applications:

Nancy Atkinson,	M.C.R. 5823
Mary Swinson,	M.C.R. 5824
Addie Fisher,	M.C.R. 5830
John T. Swinson,	M.C.R. 5838
Thomas R. Welch,	M.C.R. 5868
Fannie Eason, et al.,	M.C.R. 5888
Fannie Eliza Ruth Burner,	M.C.R. 5894
Anna B. Richards, et al.,	M.C.R. 5907
Fannie Eason, et al.,	M.C.R. 5907
Alonso Atkinson,	M.C.R. 5928
Addie Atkinson,	M.C.R. 5929

List of papers forwarded by the Secretary of the Interior, comprising the record in the consolidated case of Nancy Atkinson, et al.

Original application of Nancy Atkinson to the Dawes Commission for identification as a Mississippi Choctaw 1

Original application of Mary Swinson to the Dawes Commission for identification as a Mississippi Choctaw 7

Original application of Addie Fisher to the Dawes Commission for identification as a Mississippi Choctaw 13

Original application of John T. Swinson to the Dawes Commission for identification as a Mississippi Choctaw 19

Original application of Thomas R. Welch to the Dawes Commission for identification as a Mississippi Choctaw 23

Page:

Original application of Nannie Jones, et al., to the Dawes Commission for identification as Mississippi Choctaws	28
Original application of Fannie Elizabeth Burner to the Dawes Commission for identification as a Mississippi Choctaw	29
Original application of Anna B. Richards, et al., to the Dawes Commission for identification as Mississippi Choctaws	30
Original application of Fannie Roberts, et al., to the Dawes Commission for identification as Mississippi Choctaws	44
Original application of Alonzo Atkinson to the Dawes Commission for identification as a Mississippi Choctaw	48
Original application of Addie Atkinson to the Dawes Commission for identification as a Mississippi Choctaw	52
Testimony of J. W. Peoples in behalf of applicants, Nancy Atkinson, et al.,	54
Decision of the Commission refusing the consolidated application of Nancy Atkinson, et al., for identification as Mississippi Choctaws	59

Department of the Interior,
Commission to the Five Civilized Tribes.
Muskogee, I. T., June 18, 1902.

#5823.

In the matter of the application of Nancy Atkinson, et al.,
for identification as Mississippi Choctaws.

J. W. Peoples after being first duly sworn testifies with
reference to the following applications for identification as
Mississippi Choctaws as follows:

Nancy Atkinson,	M C R 5823
Mary Swinnea,	M C R 5824
Nannie Jones, et al.,	M C R 5825
Jimmie Elizabeth Burner,	M C R 5826
Fannie Roberts, et al.,	M C R 5827
Alonzo Atkinson,	M C R 5828
Addie Atkinson,	M C R 5829
Addie Fisher,	M C R 5830:

B. S. Johnson, Attorney representing applicants.

Examination by the Commission.

- Q What is your name? A J. W. Peoples.
Q What is your post office address? A Dublin, Texas.
Q How long have you lived there? A 17 years.
Q What is your occupation? A I have always been a farmer. I
have been running a gin and mill for about 15 years.
Q Are you any relation to these applicants? A Yes sir.
Q What relation are you? A Nancy Atkinson is my niece.
Q She is the mother of these other applicants? A Yes sir.

BY MR. JOHNSON, Attorney for applicants:

- Q Were you acquainted with her father? A I was, yes sir.
Q What was his name? A Fielding F. Gunnels.
Q What was his nativity? A I suppose Virginia; he first started
from there.
Q What was his blood, do you know what blood he was? A I do not
know only what he said.
Q What did he say? A He said he was one fourth Indian, but he
looked to be a half.
Q He was one fourth Indian, what tribe of Indians? A He said
he was a Choctaw.
Q He stated to you that he was one fourth Indian, Choctaw Indian,
what was his former home, about 1830 and prior to that time?
A I don't know how long he had been there, the first time
I ever saw him was about 1836, he was living there in Alabama.
Q Do you know anything about his mother? A No sir.

- 2-
- Q Did you ever hear him speak about his mother? A Often,
 Q What do you know about his mother? A Nothing, only I have often heard him speak of his mother.
 Q What blood was she? A She was one half Indian, that is what he claimed.
 Q What was her name? A Betty Kelly.
 Q She was one half blood Indian? A Yes sir.
 Q Do you know how long he had been living there in Alabama, how many years? A That is the first knowledge I had of him.
 Q Do you know how long he had been living there? A No sir, I was young then.
 Q Do you know anything about the time the Choctaws and Chickasaws and other Indians left that country for the West, some of them? A Yes, I think I do; I was there when they were making them up, carrying them.
 Q You know then? A Yes sir.
 Q Did Gurnells look like an Indian? A Yes sir.
 Q What were his features? A I can't answer that, only he had features of an Indian.
 Q What were the features? light head? A No, black head.
 Q He had black hair? A Black hair.
 Q What kind of eyes? A Black eyes.
 Q What was his height? A About five foot five inches high.
 Q He looked like an Indian? A Yes sir.
 Q Did he speak the Choctaw language? A He spoke two or three Indian languages.
 Q Did he speak the Choctaw language? A Yes sir he spoke the Choctaw language as well as the others.
 Q Did he speak the English language? A Yes sir.
 Q Did you ever hear him converse with the Choctaws in the Choctaw language? A I don't think I ever did.
 Q How do you know he spoke the Choctaw language? A There was white men who spoke it there, and he spoke it, he was quite a linguist.
 Q He spoke the Choctaw language? A Yes sir.
 Q Do you know where the old Mississippi Choctaw reservation was about that time, about 1830 and 1837? A I do not.
 Q You don't know about that? A No sir.
 Q What county in Alabama did he live in? A Chambers county.
 Q How far from the line of Mississippi? A I suppose nearly 200 miles, right on the line of Georgia.
 Q Where did he die? A He died I think in Coosa County, Alabama.
 Q Is there anything further, any other statement that you want to make about this? A Nothing, only you have not asked me nothing about the knowledge I had of his capture.
 Q You might state that if you wish to? A He was captured I think near Roanoke, after the Indians left, it was the Seminoles that still remained, and they went down near Roanoke, and his being an Indian and looking like an Indian and talking Indian he got away.
 Q Do you know that of your own knowledge? A Nothing only it was common talk.
 Q Did he state that to you? A I have heard him tell it a thousand times.
 Q He stated that he was captured by the Indians, the Seminole Indians, and because of his Indian blood and his speaking the the Indian language they released him? A Yes sir.

BY THE COMMISSION:

- Q Do you know anything about his being a Choctaw Indian except what he said? A No sir.
- Q You do not know whether he complied with article fourteen of the treaty of 1830? A I think he did not; I am satisfied he did not.

W H Martin being first duly sworn on his oath states that as stenographer to the Commission to the Five Civilized Tribes he recorded the above proceedings on the 16th day of June, 1902, and that the foregoing is a full, true and correct transcript of his stenographic notes in the same.

W H Martin
Subscribed and sworn to before me this 26th day of June, 1902.

Charles H. Hill
Notary Public.

Department of the Interior,
Commission to the Five Civilized Tribes.
Muskogee, I. T., June 16, 1902.

#5823.

In the matter of the application of Nancy Atkinson for
the identification of herself as a Mississippi Choctaw.

B. S. Johnson, Attorney for applicant.

Nancy Atkinson being first duly sworn testifies as follows:

Examination by the Commission.

- Q What is your name? A Nancy Atkinson.
Q What is your age? A 68 years old, 69 next month.
Q What is your post office address? A Hillsboro, Texas.
Q How long have you lived at Hillsboro? A About 16 years.
Q Where did you live before that? A I lived in Hill county, the same county.
Q Where were you born? A In Georgia.
Q Do you remember the place in Georgia? A No, I don't.
Q How long did you live in Georgia? A I left when I was about 8 years old.
Q Went where? A We lived in Alabama.
Q How long did you live in Alabama? A About 10 or 15 years.
Q And from Alabama you went where? A And came to Texas; we lived in Alabama about 18 years.
Q And then you went to Texas and have lived there ever since?
A Yes sir.
Q Is your father living? A No sir.
Q Is your mother living? A No sir.
Q What was your father's name? A Fielding F. Stungis.
Q What was your mother's name? A Mary Gussels.
Q Through which parent do you claim Choctaw blood? A My father.
Q How much Choctaw blood do you claim? A His mother was one-half.
Q He would be one-fourth, then you would be one-half of one-fourth, would you not? A Yes sir.
Q And that is about one-eighth? A Yes sir.
Q Has your father ever been recognized in any way or enrolled as a member of the Choctaw tribe of Indians by the Choctaw tribal authorities or the United States authorities in the Indian Territory? A I do not know.
Q He has never lived in the Indian Territory has he? A No sir.
Q And he would not have been enrolled here? A No sir.
Q Do you know when and where your father and mother were married?
A In Spaldin County, Georgia.
Q Do you know the date? A No sir, I do not.

- Q Were they married by a Minister under a license? A I can not tell, I suppose they were.
- Q You do not know positively? A No sir, of course they were married by a Minister.
- Q Have you the proof of that marriage with you now? A No sir, my record got burned up.
- Q When was it burned up, during the war? A Since the war.
- Q Are you married? A Yes sir.
- Q Is your husband living now? A No sir.
- Q Have you any minor children you want to make application for? A No sir.
- Q What was your husband's name? A Henry Atkinson.
- Q Was he a Choctaw Indian or a white man? A A He was a white man.
- Q Have you any children by that marriage who are now of age or married? A Yes sir.
- Q Was he your only husband? A Yes sir.
- Q Are your children all present here to be identified as Mississippi Choctaws? A Yes, all but two.
- Q You have two children living who are not here? A Yes sir.
- Q What is the name of one of them? A Mrs. Richard, Anna Richard.
- Q Where does she live? A At West station, Texas.
- Q She is married? A Yes sir.
- Q What is her husband's name? A Doc Richard.
- Q What is his real name? A D. W. Richard.
- Q And your other married child who is not present? A Mrs. Susan Welch.
- Q What is her husband's name? A William Welch.
- Q Where do they live? A In West Station, Texas.
- Q Have they children? A Yes sir.
- Q You make application for yourself alone? A Yes sir.
- Q Is your name on any of the tribal rolls of the Choctaw Nation in the Indian Territory? A I don't know.
- Q You never heard that you were enrolled as a Choctaw Indian? A No sir.
- Q You never did live in the Indian Territory, did you? A No sir.
- Q Have you ever made application for citizenship in the Choctaw Nation to the Choctaw tribal authorities in the Indian Territory? A No sir.
- Q Have you ever made application for citizenship in the Choctaw Nation to the Commission to the Five Civilized Tribes under the act of Congress of June 10, 1896? A No sir.
- Q Have you ever been enrolled as a member of the Choctaw tribe of Indians by either the Choctaw tribal authorities, the Commission to the Five Civilized Tribes or the United States Court in the Indian Territory? A No sir.
- Q Is this the first application of any kind that you have ever made for citizenship in the Choctaw Nation to either the Choctaw tribal authorities or the United States authorities in the Indian Territory? A Yes sir, the first.
- Q Do you now come before the Commission to be identified as a Mississippi Choctaw? A Yes sir.
- Q Do you claim this right under article fourteen of the treaty of 1830? A Yes sir.
- Q Do you understand that article of that treaty? A It was about 1830.

The treaty itself was made in 1830, and registration under the treaty occurred in 1851. This treaty was made between the

the United States government and the Choctaw Indians at a place in Mississippi called Dancing Rabbit Creek on the 27th day of September, 1830. The object of the treaty was to remove all the Choctaw Indians who lived in that old Choctaw Nation, which was partly in Mississippi and partly in Alabama, from that old Nation to the Choctaw Nation, Indian Territory. Before the treaty was signed it became known that between six and seven thousand Choctaw Indians would not go to the Choctaw Nation Indian Territory under the treaty; in order therefore to protect the interests of those Indians who stayed back in the old Choctaw Nation article fourteen was put into the treaty of 1830 for the especial benefit of those Choctaw Indians, called Mississippi Choctaws. Now that article is as follows:

"ARTICLE XIV. Each Choctaw head of a family being desirous to remain and become a citizen of the states shall be permitted to do so by signifying his intention to the Agent within six months from the ratification of this treaty, and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land, to be bounded by sectional lines of survey; in like manner shall be entitled to one half that quantity for each unmarried child which is living with him over ten years of age, and a quarter section to such child as may be under ten years of age, to adjoin the location of the parent. If they reside upon said lands intending to become citizens of the states for five years after the ratification of this treaty, in that case, a grant in fee simple shall issue; said reservation shall include the present improvement of the head of the family or a portion of it. Persons who claim under this article shall not lose the privilege of a Choctaw citizen, but if they ever remove are not entitled to any portion of the Choctaw annuity."

- Q You understand that now pretty well, do you? A Yes sir.
- Q What is the name of your ancestor through whom you claim your right to be identified as a Mississippi Choctaw? Who lived in the old Choctaw Nation in 1830? A Kelly was my grandmother's name.
- Q What was her full name? A Elizabeth Kelly or Betty Kelly.
- Q Was that her maiden name? A Yes sir.
- Q What was the name of her husband? A Beverly Gunnels.
- Q Was he a white man? A Yes sir.
- Q And she had how much Choctaw blood? A My father told me she was one half.
- Q She was your grandmother? A Yes sir.
- Q Did she live in the old Choctaw Nation in Mississippi or Alabama in 1830, 72 years ago? A She was dead then.
- Q She was dead in 1830? A Yes sir, she died when my father was small; my father was about 4 or 5 years old when his mother died.
- Q Did your father live in Mississippi or Alabama in 1830? A Yes sir.
- Q Was he born in Mississippi? A No sir, he was born in Virginia.
- Q How old would your father be if living now? A He would be about 101, he has been dead about 42 years.

- Q After his birth how old was he when he went to Mississippi, if he went there? A He never went there.
- Q Your father never lived in Mississippi? A No sir, his home was in Alabama.
- Q Then as I understand you your grandmother moved from Mississippi and went to Virginia; you say she used to live in Mississippi? A No sir, she lived in Alabama.
- Q She used to live in Alabama? A Yes sir.
- Q Do you know when she lived in Alabama? A It has been a long time back, I can not give the date of course.
- Q Can you give the name of any Choctaw ancestor of yours who lived in the old Choctaw Nation either in Mississippi or Alabama in 1830, 72 years ago? A No sir, I can not, of course I was small.
- Q Your own father never lived there did he? A Of course he lived in Alabama.
- Q He went from Virginia to Alabama? A He went from Virginia to Georgia and from there to Alabama.
- Q How old was he when he got to Alabama? A I suppose he was about 20 or maybe 25 when he went there.
- Q Now, where in Alabama did he go, what county? A Chambers County.
- Q What part of the state was that? A It was about the middle of the state I guess.
- Q Did he live there in 1830? A Yes sir.
- Q Did he marry there? A Yes sir.
- Q And had a family there then? A Yes sir.
- Q So that your father was living in Alabama in 1830, and was the head of a family there then? A Yes sir.
- Q Were you born there? A I was born in Georgia.
- Q Have you any elder brothers or sisters? A I have an older sister.
- Q How much older than you was she? A About two years.
- Q She was born where? A In Georgia.
- Q She was born then about 70 years ago? A Yes sir.
- Q And there are no older children than that? A No sir.
- Q Did any of your Choctaw ancestors own any land or claim any land in the old Choctaw Nation either in Mississippi or Alabama under article fourteen of the treaty of 1830? A I can not tell you.
- Q Did any of your Choctaw ancestors own any improvements on land in the old Choctaw Nation in the year 1830? A I can not tell you that.
- Q Did any of your Choctaw ancestors within six months after the ratification of the treaty of 1830 go to the United States Indian Agent, Colonel Ward, who had an office in Mississippi, and tell him that they wanted to stay in Mississippi, take land there and become citizens of the States? A I do not know.
- Q Did you ever hear that any of them went from that old Choctaw Nation east of the Mississippi river to the Choctaw Nation, Indian Territory, with the other Indians between 1833 and 1838 or 1840? A I can not tell you, I don't know whether they went or not.

-5-

The Choctaw Indians who stayed in the old Choctaw Nation in Mississippi and Alabama after the treaty of 1830 was ratified were required if they wanted to take advantage of article 14 of that treaty to go to the United States Indian Agent, Colonel Ward, within six months after the ratification of the treaty, and tell him that they wanted to stay in Mississippi, take land there and become citizens of the states. A great many Choctaw Indians did this whose names Colonel Ward neglected to put upon his list, known as "Ward's Register." His neglect to do so caused a good many Indians to lose their lands and improvements they held in the old Choctaw Nation, both were taken from them by the government and sold at its public land sales. This caused a great many complaints among the Choctaw Indians, and in 1837 by an act of Congress approved March 3rd of that year a Commission was appointed by Congress; this commission went to Mississippi and heard claimants under article 14 of the treaty of 1830. In 1842 another Commission was appointed by Congress for the same purpose, under an act of Congress of August 23rd of that year. This commission also went to Mississippi and heard claimants under article fourteen of the treaty of 1830.

- Q Do you know if any of your Choctaw ancestors went before either of these commissions and claimed any benefits under article 14 of the treaty of 1830? A No sir.
- Q Did any of your Choctaw ancestors get any script or certificates from the government which entitled them to select land either in Mississippi, Alabama, Louisiana or Arkansas? A I can not tell you.

This script was issued under an act of Congress approved August 23rd, 1842, and was given to those Choctaw Indians who proved their claim under article fourteen of the treaty of 1830, and also proved that they had had land taken from them by the government and sold.

- Q Have you any relatives who have been before the Commission and sought to be identified as Mississippi Choctaws? A I do not know of any.
- Q Do you speak the Choctaw language? A No sir.
- Q You claim your right to be identified as a Mississippi Choctaw through your father, whom you say lived in Alabama in 1830? A Yes sir.
- Q That was Fielding F. Gunnels? A Yes sir.
- Q And he claimed through Elizabeth or Betty Gunnels who maiden name was Kelly and who married Beverly Gunnels? A Yes sir.
- Q Have you any other evidence that you want to introduce now in support of your claim; have you any relatives that you want to call as witnesses? A No sir, none but me uncle; he is here in the house.
- Q What is his name? A John Peoples.

Mr Johnson: We want permission to file other documentary proof and some other evidence, and introduce this witness.

The Commission: This applicant is allowed until July first in which to introduce other testimony if she desires in support

of this application.

This applicant has the appearance and physical characteristics of being descended from white parentage; black eyes; dark complexion; her hair is now gray, she states it was black. She does not understand the Choctaw language and has no knowledge of the compliance on the part of her ancestors with any of the provisions of article fourteen of the treaty of 1830.

W H Martin, being first duly sworn on oath states that as stenographer to the Commission to the Five Civilized Tribes he recorded the above proceedings on the 16th day of June, 1902, and that the foregoing is a full, true and correct transcript of his stenographic notes in the same.

W H Martin

Subscribed and sworn to before me this 23rd day of June, 1902.

James H. [Signature]
Notary Public

L. E. D.
C. v. W.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application of Nancy Atkinson, et al., for identification as Mississippi Choctaws, consolidating the applications of -

Nancy Atkinson,	N.C.R. 8888
Mary Swinson,	N.C.R. 8888
Addie Fisher,	N.C.R. 8888
John T. Swinson,	N.C.R. 8888
Thomas R. Welch,	N.C.R. 8888
Marcella Jones, et al.,	N.C.R. 8888
Fannie Klingbeith Turner,	N.C.R. 8888
Anna B. Richards, et al.,	N.C.R. 8888
Fannie Roberts, et al.,	N.C.R. 8888
Alonso Atkinson,	N.C.R. 8888
Addie Atkinson,	N.C.R. 8888

DECISION.

It appears from the record herein that applications for identification as Mississippi Choctaws were made to this Commission by Nancy Atkinson for herself; by Mary Swinson for herself; by Addie Fisher for herself; by John T. Swinson for himself; by Thomas R. Welch for himself; by Marcella Jones for herself and her minor child, Marcella Jones; by Fannie Klingbeith Turner for herself; by Anna B. Richards for herself and her six minor children, Edward, Ellen, Sidney Lee, Annie, Ruth and Selma Richards; by Fannie Roberts for herself and her minor child, Emily Russell Roberts; by Alonso

Atkinson for himself; and by Addie Atkinson for herself, under the following provision of the act of Congress approved June 20, 1898, (30 Stats., 495):

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto, and make report to the Secretary of the Interior."

It also appears that all of said applicants, except those embraced in the applications numbered M.C.R. 5867, 5868 and 5928, claim rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, by reason of being descendants of Elizabeth (or Betty) Gunnels (nee Kelly) and Fielding F. Gunnels, the former of whom is alleged to have been a half blood Choctaw Indian and the latter to have been a quarter blood Choctaw Indian, and both to have resided in the old Choctaw Nation in Mississippi and Alabama in eighteen hundred and thirty; that the applicants embraced in the applications numbered M.C.R. 5867 and 5868 claim said rights by reason of being descendants of Mary Peoples, who is alleged to have been a Choctaw Indian, degree of blood not stated; that the applicant in the application numbered M.C.R. 5928 claims said rights by reason of being a descendant of Beverly Gunnels, who is alleged to have been a Choctaw Indian, degree of blood not stated.

There is a discrepancy in the testimony of the several applicants as to the nationality of Beverly Gunnels and Mary Peoples, part of the applicants claiming that they were white people and part of them claiming that they were Choctaw Indians. The testimony in M.C.R. 5868 is to the effect that Elizabeth (or Betty) Gunnels (nee Kelly) died prior to eighteen hundred and thirty.

It further appears from the evidence submitted in support of said applications and from the records in the possession of the Commission that none of said applicants has ever been enrolled by the Choctaw tribal authorities as a member of the Choctaw tribe, or admitted to Choctaw citizenship by a duly constituted court or committee of the Choctaw Nation, or by the Commission to the Five Civilized Tribes, or by a decree of the United States Court in Indian Territory, under the provisions of the act of Congress approved June 10, 1896, (29 Stats., 381).

It does not appear from the testimony and evidence offered in support of said applications or from the records in the possession of the Commission relating to persons who complied or attempted to comply with the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and to persons who heretofore were claimants thereunder, that the said Beverly Gunnels, Fielding F. Gunnels, or Mary Peoples signified (in person or by proxy) to Colonel Wm. Ward, Indian Agent, Choctaw Agency, an intention to comply with the provisions of said article fourteen or presented a claim to rights thereunder to either of the Commissions authorized to adjudicate such claims by the acts of Congress approved March 3, 1837, (5 Stats., 180), and August 23, 1842, (5 Stats., 813).

It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Henry Atkinson, Mary Brinson, Addie Fisher, John T. Swinson, Thomas R. Walsh, Emma Jones, Marcella Jones, Elsie Elizabeth Turner,

Anna B. Richards, Elwood Richards, Edna Richards, Sidney Lee Richards, Annie Richards, Ruth Richards, Colma Richards, Fannie Roberts, Henry Russell Roberts, Alonso Atkinson and Addie Atkinson as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the applications for their identification as such should be refused, and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

(SIGNED)

Fannie Dickey

Acting Chairman.

T. D. J. Peck

Commissioner.

(SIGNED)

C. F. Beckwith

Secretary.

Muskogee, Indian Territory.

OCT 14 1907

COPY.

M C R 8823

Muskogee, Indian Territory, October 14, 1902.

S. Heard,

Attorney at Law,

Muskogee, Indian Territory.

Dear Sir:

You are hereby advised that on the 14th day of October, 1902, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Nancy Atkinson et al., embracing the following applications for identification as Mississippi Choctaws:

Nancy Atkinson,	M C R 8823
Mary Swinnee,	M C R 8824
Addie Fisher,	M C R 8825
John T. Swinnee,	M C R 8826
Thomas E. Welch,	M C R 8827
Hannie Jones et al.,	M C R 8828
Jimmie Elizabeth Burner,	M C R 8829
Anna B. Richards et al.,	M C R 8830
Fannie Roberts et al.,	M C R 8831
Alonzo Atkinson,	M C R 8832
Addie Atkinson,	M C R 8833

These applications were made under the provision of the act of Congress of June 28, 1898 (30 Stats., 498) which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-

3 X 2

seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto and make report to the Secretary of the Interior."

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Nancy Atkinson, Mary Swinnea, Addie Fisher, John T. Swinnea, Thomas R. Welch, Nannie Jones, Marcella Jones, Jimmie Elizabeth Burner, Anna B. Richards, Elwood Richards, Edna Richards, Sidney Lee Richards, Annie Richards, Ruth Richards, Selma Richards, Fannie Roberts, Henry Russell Roberts, Alonso Atkinson and Addie Atkinson as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the applications for their identification as such should be refused, and it is so ordered."

You are further advised that the applicants in this case have been allowed fifteen days from the date hereof within which to file arguments in this office, and that at the expiration of said time the papers in the case, together with such arguments, will be forwarded for review to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

SIGNED:

T. D. Woodlee,
Commissioner in Charge.

Registered.

COPY.

N C R 5823

Muskogee, Indian Territory, October 14, 1902.

Nancy Atkinson,
Hillsboro, Texas.

Dear Madam:

You are hereby advised that on the 14th day of October, 1902, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Nancy Atkinson et al., embracing the following applications for identification as Mississippi Choctaws:

Nancy Atkinson,	N C R 5823
Mary Swinnea,	N C R 5824
Addie Fisher,	N C R 5830
John T. Swinnea,	N C R 5928
Thomas E. Walsh,	N C R 5938
Bennie Jones et al.,	N C R 5938
Jimmie Elizabeth Barker,	N C R 5936
Anna B. Richards et al.,	N C R 5937
Fannie Roberts et al.,	N C R 5937
Alonso Atkinson,	N C R 5835
Addie Atkinson,	N C R 5839.

These applications were made under the provision of the act of Congress of June 20, 1900 (30 Stats., 495) which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-

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seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto and make report to the Secretary of the Interior."

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Nancy Atkinson, Mary Swinnea, Addie Fisher, John T. Swinnea, Thomas E. Welch, Mammie Jones, Marcella Jones, Jimmie Elizabeth Burner, Anna B. Richards, Elwood Richards, Edna Richards, Sidney Lee Richards, Annie Richards, Ruth Richards, Colma Richards, Fannie Roberts, Henry Russell Roberts, Alonso Atkinson and Addie Atkinson as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the applications for their identification as such should be refused, and it is so ordered."

You are further advised that you will be allowed fifteen days from the date hereof within which to file arguments in this office, and that at the expiration of said time the papers in the case, together with such arguments, will be forwarded for review to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

ON D.

T. L. Swinnea
Commissioner in Charge.

Registered.

Mustagee, Indian Territory, October 14, 1902.

B. S. Johnson,

Attorney at Law,

Durant, Indian Territory.

Dear Sir:

You are hereby advised that on the 14th day of October, 1902, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Nancy Atkinson et al., embracing the following applications for identification as Mississippi Choctaws:

Nancy Atkinson,	N C R 2023
Mary Swinson,	N C R 2024
Addie Fisher,	N C R 2025
John T. Swinson,	N C R 2026
Thomas R. Smith,	N C R 2027
Fannie Jones et al.,	N C R 2028
Fannie Elizabeth Turner,	N C R 2029
Anna B. Richards et al.,	N C R 2030
Fannie Roberts et al.,	N C R 2031
Alonzo Atkinson,	N C R 2032
Addie Atkinson,	N C R 2033.

These applications were made under the provision of the act of Congress of June 20, 1900 (30 Stats., 495) which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights to the Choctaw lands under article fourteen of the treaty between the United

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States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto and make report to the Secretary of the Interior."

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Nancy Atkinson, Mary Swinnea, Addie Fisher, John T. Swinnea, Thomas R. Welch, Fannie Jones, Marcella Jones, Jimmie Elizabeth Burner, Anna B. Richards, Elwood Richards, Edna Richards, Sidney Lee Richards, Annie Richards, Ruth Richards, Golma Richards, Fannie Roberts, Henry Russell Roberts, Alenao Atkinson and Addie Atkinson as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the applications for their identification as such should be refused, and it is so ordered."

You are further advised that the applicants in this case have been allowed fifteen days from the date hereof within which to file arguments in this office, and that at the expiration of said time the papers in the case, together with such arguments, will be forwarded for review to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

Commissioner in Charge.

Registered.

Muskogee, Indian Territory, October 14, 1902.

Mansfield, Motturray & Cornish,

Attorneys for the Choctaw and Chickasaw Nations,

South McAlester, Indian Territory.

Gentlemen:

You are hereby advised that on the 14th day of October, 1902, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Nancy Atkinson et al., embracing the following applications for identification as Mississippi Choctaws:

Nancy Atkinson,	M C R 5823
Mary Swinnea,	M C R 5824
Addie Fisher,	M C R 5830
John T. Swinnea,	M C R 5928
Thomas R. Welch,	M C R 5868
Hannie Jones et al.,	M C R 5825
Jimmie Elizabeth Burner,	M C R 5826
Anna E. Richards et al.,	M C R 5867
Fannie Roberts et al.,	M C R 5827
Alonso Atkinson,	M C R 5828
Addie Atkinson,	M C R 5829

These applications were made under the provision of the act of Congress of June 22, 1898 (30 Stats., 496) which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-

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seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto and make report to the Secretary of the Interior."

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Nancy Atkinson, Mary Swinnea, Addie Fisher, John T. Swinnea, Thomas E. Welch, Fannie Jones, Marcella Jones, Jimmie Elizabeth Burner, Anna B. Richards, Elwood Richards, Edna Richards, Sidney Lee Richards, Annie Richards, Ruth Richards, Solma Richards, Fannie Roberts, Henry Russell Roberts, Alonzo Atkinson and Addie Atkinson as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the applications for their identification as such should be refused, and it is so ordered."

You are further advised that the applicants in this case have been allowed fifteen days from the date hereof within which to file arguments in this office, and that at the expiration of said time the papers in the case, together with such arguments, will be forwarded for review to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

(RECORDED)

T. L. McCallum
Commissioner in Charge.

Registered.

M C R 8823

COPY.

Muskogee, Indian Territory, October 30, 1903.

The Honorable,

The Secretary of the Interior.

Sir:

There is transmitted herewith the record in the consolidated case of Nancy Atkinson et al., applicants to the Commission for identification as Mississippi Choctaws, including the decision of the Commission of October 14, 1903.

The above consolidated case embraces the following original applications for identification as Mississippi Choctaws heard by the Commission:

Nancy Atkinson,	M C R 8823
Mary Swinnee,	M C R 8824
Addie Fisher,	M C R 8830
John T. Swinnee,	M C R 8828
Thomas R. Welch,	M C R 8828
Hannie Jones et al.,	M C R 8828
Jimmie Elizabeth Turner,	M C R 8826
Anna E. Richards et al.,	M C R 8827
Fannie Roberts et al.,	M C R 8827
Alonso Atkinson,	M C R 8828
Addie Atkinson,	M C R 8829

The Commission has the honor to report that the principal applicants in the several separate applications, their attorneys of record and the attorneys for the Choctaw and Chickasaw Nations

have been duly advised by letter of the action of the Commission,
copies of said letters being attached to the record.

Respectfully,

James D. Smith
Acting Chairman.

Through the

Commissioner of Indian Affairs.

1 inclosure, M C R 3823

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(Copy)

DEPARTMENT OF THE INTERIOR,
Office of Indian Affairs,

WASHINGTON, Nov. 15, 1902.

The Honorable,

The Secretary of the Interior.

Sir:

I have the honor to submit, herewith, the record of the Commission to the Five Civilized Tribes, in the matter of the application of Nancy Atkinson, et al., for identification as Mississippi Choctaws, wherein the following cases are consolidated and considered together:

Nancy Atkinson.

Mary Swinnea.

Addie Fisher.

John I. Swinnea.

Thomas R. Welch.

Nannie Jones, et al.

Jimmie Elizabeth Burner.

Anna E. Richards, et al.

Fannie Roberts.

Alonso Atkinson.

Addie Atkinson.

A decision adverse to the applicants herein was rendered by the commission on October 14, 1902.

The proof in this case shows that the parties claim their right to identification as Mississippi Choctaws on their descent from Elizabeth or Betty Kelly who married Beverly Gunnels, and through Fielding F. Gunnels.

The parties claim that Elizabeth Kelly was a member of the Choctaw tribe of Indians in Mississippi in 1830 and that she complied with the provisions of the 14th article of the treaty.

The records of this office have been examined with reference to the names of Elizabeth and Betty Kelly, Elizabeth Gunnels, Fielding F. Gunnels and it is ascertained that these names do not appear among the names of those Choctaw Indians who complied or attempted to comply with the provisions of the 14th article of the treaty of 1830.

These being the facts it is evident that the decision of the commission rejecting these parties for identification was correct. I therefore recommend that the following parties be rejected for identification in this case:

Nancy Atkinson.

Mary Swinnea.

Addie Fisher.

John T. Swinnea.

Thomas R. Welch.

Hannie Jones and her minor child, Marcella Jones.

Jimmie Elizabeth Burner.

Annie B. Richards and her six minor children, Elwood,
Edna, Sidney Lee, Annie, Ruth, and Colma Richards.

Fannie Roberts and her minor child, Henry Russell Roberts,
Alonso Atkinson.

Addie Atkinson.

Very respectfully,

Your obedient servant,

W. A. JONES,

Commissioner.

(E.B.H.)

P.

D.C.23528-1902

(Copy)

J.W.H.
PHE

I.T.D.7197-1902.
File 896-1898.
LRS

DEPARTMENT OF THE INTERIOR,

Washington, November 26, 1902.

Commission to the Five Civilised Tribes,
Muskogee, Indian Territory.

Gentlemen:

October 30, 1902, you transmitted the record in the consolidated case embracing the applications for identification as Mississippi Choctaws of Nancy Atkinson for herself; of Mary Swinnea for herself; of Addie Fisher for herself; of John T. Swinnea for himself; of Thomas B. Welch for himself; of Hannie Jones for herself and her minor child, Marcella Jones; of Jimmie Elizabeth Burner for herself; of Anna B. Richards for herself and her six minor children, Elwood, Edna, Sidney Lee, Annie, Ruth and Colma Richards; of Fannie Roberts for herself and her minor child, Henry Russell Roberts; of Alonzo Atkinson for himself; and of Addie Atkinson for herself, (M.C.R.5925), including your decision of October 14, 1902, refusing to identify them as such.

The principal applicant, Nancy Atkinson, was about 69 years of age when she appeared before you at Muskogee on the 16th of June, 1902. Her testimony has been taken in connection with that of her uncle, which forms a part of the record, as the best evidence which the case affords. The other applicants are her

descendants in the first and second degree. From the testimony of the two witnesses named above, it appears that Nancy Atkinson was the daughter of one Fielding F. Gunnels, a 1/4 blood Choctaw Indian who was born in Virginia. From there he migrated to Georgia, and was married in Jackson county in that State, to one Mary Peoples. The family lived in Georgia about eight years, then moved to Alabama, where they resided for about eighteen years, and then to Texas, where their home is at present. It also appears that Fielding F. Gunnels was the son of a white man named Beverly Gunnels and his wife, Elisabeth or Betty, formerly Kelly, a 1/2 blood Choctaw woman.

Claiming identification as Mississippi Choctaws, it was incumbent upon these applicants to show that they or some one of their alleged ancestors, in person or by proxy, complied or attempted to comply with the provisions of article 14 of the treaty of September 27, 1830, or with the acts of March 3, 1837 (5 Stat., 180), and August 23, 1842, (5 Stat., 513), relating thereto. This they have failed to do.

The records in the possession of the Indian Office fail to show that any person whatever bearing the name of any of the alleged ancestors, was, or was entitled to be, a beneficiary under said article or acts. It must therefore be held that these applicants have failed to establish their claims.

Reporting in the matter November 15, 1902, the Commissioner of Indian Affairs recommends that your action be approved. The Department concurs therein and your decision is accordingly

affirmed. You are directed to furnish the principal applicant with a copy of this decision. A copy of the Commissioner's letter is inclosed.

Respectfully,

(signed)

THOS. RYAN
Acting Secretary.

1 inclosure.

M.C.R. 8823

COPY.

Waukegon, Indian Territory, December 8, 1902.

Mansfield, McMurray & Gornish,

Attorneys for the Choctaw and Chickasaw Nations,
South McAlester, Indian Territory.

Gentlemen:

You are hereby notified that on the 26th day of November, 1902, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Nancy Atkinson, et al., of which decision you were advised by mail on the 14th day of October, 1902.

By direction of the Secretary of the Interior, the principal applicant in this case (Nancy Atkinson, of Millsboro, Texas) has this day been furnished a copy of his letter affirming the decision of the Commission, and also a copy of the letter of the Commissioner of Indian Affairs reporting thereon.

Respectfully,

James D. Dwyer
Acting Chairman.

COPY

M.C.R. 5923

Muskogee, Indian Territory, December 8, 1902.

Nancy Atkinson,

Hillsboro, Texas.

Dear Madam:

You are hereby notified that on the 26th day of November, 1902, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Ghosts of the several persons included in the consolidated case of Nancy Atkinson, et al., of which decision you were advised by registered mail on the 14th day of October, 1902.

The Commission is directed by the Secretary of the Interior, to furnish you a copy of his decision in this case, and the same is herewith inclosed, together with a copy of the letter of the Commissioner of Indian Affairs reporting thereon.

Respectfully,

Tanis Birby
Acting Chairman.

Enc. WFW 1.

COPY

Muskogee, Indian Territory, December 8, 1902.

B.S. Johnson,
Attorney-at-Law,
Durant, Indian Territory.

Dear Sir:

You are hereby notified that on the 26th day of November, 1902, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Nancy Atkinson, et al., of which decision you were advised by registered mail on the 14th day of October, 1902.

By direction of the Secretary of the Interior, the principal applicant in this case (Nancy Atkinson, of Hillsboro, Texas) has this day been furnished a copy of this letter affirming the decision of the Commission, and also a copy of the letter of the Commissioner of Indian Affairs reporting thereon.

Respectfully,

JAMES DUFFY,
Acting Chairman.

COPY.

Muskogee, Indian Territory, December 8, 1902.

S. Heard,

Attorney-at-Law,

Muskogee, Indian Territory.

Dear Sir:

You are hereby notified that on the 26th day of November, 1902, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Nancy Atkinson, et al., of which decision you were advised by registered mail on the 14th day of October, 1902.

By direction of the Secretary of the Interior, the principal applicant in this case (Nancy Atkinson, of Hillsboro, Texas) has this day been furnished a copy of his letter affirming the decision of the Commission, and also a copy of the letter of the Commissioner of Indian Affairs reporting thereon.

Respectfully,

Tamm Dixey

Acting Chairman

Elizabeth, or Betty Kelly 42 married Beverly Gunnels, w.	Fielding F. Gunnels 142 married Mary Peeples, w.	^{meR} ⁵⁸²³ Nancy Gunnels, 68 1/2 married Henry Atkinson, w. D.
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Note - discrepancy in testimony as to descent, applicants in meR 5867 & 5868 claim descent from Mary Peeples, in meR 5928 from Beverly Gunnels, while all other applicants claim from Betty (or Elizabeth) Kelly

^{meR} ⁵⁸²¹ Mary Atkinson 47 1/16 married Henry (Jays) Swinnea, w.	^{meR} ⁵⁸²⁰ Addie Swinnea, 27 1/2 married Will Fisher, w. ^{meR} ⁵⁹²⁸ John T. Swinnea, 25 1/2 wife Emma Swinnea
Lucie A. Atkinson 45 married William R Welch	^{meR} ⁵⁸²² Thomas R Welch, 23 1/2 wife Fannie A Welch James Welch Bud Welch Homer Welch Leslie Welch Hattie Welch Ida Welch Mammie Welch Fannie Welch
^{meR} ⁵⁸²⁵ Nannie Atkinson, 42 1/16 married Fred Jones, w.	^{meR} ⁵⁸²³ Marcella Jones 7
^{meR} ⁵⁸²⁶ Jimmie Elizabeth Atkinson married G. W. Bruner	
^{meR} ⁵⁸⁶⁷ Anna B Atkinson 38 1/16 married David Richards	^{meR} ⁵⁸⁶⁷ Elwood Richards, 16 Edna Richards, 14 Sidney L Richards 12 Annie Richards 10 Ruth Richards 8 Colma Richards 4
^{meR} ⁵⁸²⁷ Fannie Atkinson 33 1/16 married Craston Roberts w.	^{meR} ⁵⁸²⁸ Henry Russell Roberts 2
^{meR} ⁵⁸²⁸ Alonzo Atkinson 31 1/16 wife Phania Atkinson w.	
^{meR} ⁵⁸²⁹ Addie Atkinson 22 1/16	

For Identification as a Mississippi Choctaw.

Date

JUN 16 1902

Name *Nancy Atkinson*Age *68* — Blood *1/8*Post-Office, *Hillsboro, Texas*Father: *Fielding F. Gunnels, d.*Mother: *Mary Gunnels, d.*Claims through *father* —
husband
Nancy Atkinson (d.) w.~~XXXXXX~~*claims for self
alone**W. B. Mearns*

Choctaw MCR 5824

Mary Swinnear

See MCR 5823

MCR 5824

Department of the Interior,
Commission to the Five Civilized Tribes.
Muskogee, I. T., June 16, 1902.

#3824.

In the matter of the application of Mary Swinnea for the identification of herself as a Mississippi Choctaw.

B. S. Johnson, Attorney for Applicant.

Mary Swinnea being first duly sworn testifies as follow:

Examination by the Commission.

- Q What is your name? A Mary Swinnea.
Q What is your age? A Forty-seven.
Q What is your post office address? A Hillsboro, Texas.
Q How long have you lived at Hillsboro? A A Six years.
Q Where did you live before that? A In Falls County, Texas.
Q How long did you live there? A Twenty-two years.
Q Where were you born? A In Elmore County, Alabama.
Q How long did you live in Alabama? A Until I was nineteen years old.
Q And then you went to Texas? A Yes sir.
Q Is your father living? A No sir.
Q Is your mother living? A Yes sir.
Q What was your father's name? A Henry Atkinson.
Q What is your mother's name? A Nancy Atkinson.
Q She has just appeared before the Commission to be identified as a Mississippi Choctaw? A Yes sir.

The case of Nancy Atkinson, N E R 5825, is here referred to as the mother of the applicant, who has at this time appeared before the Commission.

- Q Do you claim your Choctaw blood through your mother? A Yes sir.
Q How much do you claim? A One-sixteenth I believe, she was one-eighth and that would make me a sixteenth.
Q Has she ever been recognized in any way or enrolled as a member of the Choctaw tribe of Indian by the Choctaw tribal authorities or the United States authorities in the Indian Territory? A No sir.
Q Are you married? A Yes sir.

- Q What is your husband's name? A Henry Swinnea.
- Q Is he living? A Yes sir.
- Q Is he a Choctaw or white man? A A white man.
- Q You don't make any claim for him? A No sir.
- Q Have you any children under twenty-one years of age and unmarried that you want to make application for? A No sir.
- Q You make application for yourself alone? A Yes sir.
- Q Is your name on any of the tribal rolls of the Choctaw Nation in the Indian Territory? A No sir.
- Q Have you ever made application for citizenship in the Choctaw Nation to the Choctaw tribal authorities in the Indian Territory? A No sir.
- Q Have you ever made application to the Commission to the Five Civilized Tribes for citizenship in the Choctaw Nation under the act of June 10, 1896? A No sir.
- Q Is this the first application you have ever made of any description either to the Choctaw tribal authorities or the United States authorities in the Indian Territory for enrollment as a Choctaw Indian? A Yes sir.
- Q Have you ever been admitted to citizenship in the Choctaw Nation by the Choctaw tribal authorities, the Commission to the Five Civilized Tribes, or the United States Court in the Indian Territory? A No sir.
- Q Do you now come before the Commission to be identified as a Mississippi Choctaw, claiming under article fourteen of the treaty of 1830? A Yes sir.
- Q Do you understand that article? A Yes sir, I have heard it explained, of course I do not understand it; I do not know anything about it except what I have been told.
- Q You understand what a treaty is? A Yes sir.

It is a contract in writing. Now a contract in writing or an agreement in writing is often made between two or more people, where the terms of the contract are put down in writing and each party signs his name to it. A treaty is the same thing exactly, only it is signed by the representatives of governments instead of different people. Each man who puts his name down to it represents either one government or the other. This was an agreement between the government of the United States and the Choctaw Indians who lived in Mississippi and Alabama in the old Choctaw Nation in 1830, the old Choctaw Nation went into both states. The government wanted to remove those Indians from that old Choctaw Nation to the Choctaw Nation, Indian Territory. They could not do it without the consent of the Indians; they could not have been taken out by force and against their will and carried from one territory to the other, and so this treaty of 1830 was made between them and the government, in which they agreed to go, all but about six thousand of them said they would go, this six thousand said they would not go under any circumstances, they would not sign that treaty and would not go to the Territory, and would not become a party to it; and the other Indians said to the government "If you do not look after the interests of those who refuse to go we won't go." So article 14 was drawn up. A

article in a treaty is one of the sub-divisions of it, and that article was put into the treaty of 1830 for the especial benefit of those Choctaw Indians who stayed back in the old Choctaw Nation; and after that article was put into the treaty it was signed and ratified, and later on under that treaty the majority of the Indians went to the Choctaw Nation, Indian Territory; but those others stayed back there and always have remained there with their descendants. Now article fourteen was put into the treaty of 1830 for the especial benefit of the Choctaw Indians who stayed in the old Choctaw Nation, and is as follows:

"ARTICLE XIV. Each Choctaw head of a family being desirous to remain and become a citizen of the states shall be permitted to do so by signifying his intention to the Agent within six months from the ratification of this treaty, and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land to be bounded by sectional lines of survey; in like manner shall be entitled to one half that quantity for each unmarried child which is living with him over ten years of age, and a quarter section to such child as may be under ten years of age, to adjoin the location of the parent. If they reside upon said lands intending to become citizens of the states for five years after the ratification of this treaty, in that case, a grant in fee simple shall issue; said reservation shall include the present improvement of the head of the family or a portion of it. Persons who claim under this article shall not lose the privilege of a Choctaw citizen, but if they ever remove are not entitled to any portion of the Choctaw annuity."

The Choctaw annuity was the money that was paid each Indian per capita after his removal to the Indian Territory for a number of years, in order to assist him in living until he got a foothold in the new country. He had to buy stock and provisions for himself and family and implements to work with; and corn and oats and seed for planting purposes; perhaps his crops would fail the first year, and these were annuities the government gave them, annual payments of money.

- Q Do you think you understand that now? A Yes sir.
 Q Better than you did before? A Yes sir.
 Q And well enough to claim under it? A Yes sir.
 Q Whom do you claim your Choctaw blood through, through what ancestor who lived in Mississippi or Alabama in 1830? A It was my great grandmother.
 Q That would be Elizabeth or Betty Kelly? A Yes, sir, Betty Kelly.
 Q She married whom? A Beverly Gannels.
 Q Who was a white man? A Yes sir.
 Q And she had how much Choctaw blood? A One half.
 Q Where did she live and die? A She died,-- I don't know, I never heard them say, she was dead long before I remember.
 Q She never lived in Mississippi did she? A No sir.
 Q Did she ever live in Alabama? A No sir.
 Q Neither did her husband, Beverly, did he? A Not that I know of.

- Q Did you have a grandfather by the name of Fielding F. Gunnels?
A Yes sir.
- Q Did he ever live in the old Choctaw Nation either in Mississippi or Alabama? A I can not tell you, he lived in Alabama.
- Q What relation is Nancy Atkinson to you? A She is my mother.
- Q She has already been before the Commission on this date to be identified as a Mississippi Choctaw? A Yes sir.
- Q Did you hear her testify that her father, Fielding F. Gunnels, lived in Alabama in 1830? A Yes sir.
- Q Now what do you think about it? A I think he lived there and died there.
- Q Do you think he lived there in 1830, 72 years ago? A Yes sir he lived there.
- Q Did he live there in 1830 according to your best knowledge?
A Yes sir, according to what my mother has told me.
- Q Was she born there? A She is 68 now, yes sir.
- Q Therefore she was born 4 years after the treaty was signed was she not? A Yes sir.
- Q Now do you know whether your grandfather, Fielding F. Gunnels, lived in Alabama in 1830, and was the head of a family there then? A Yes sir.
- Q What is your best recollection about that? A I just remember what my mother has told me, my grandfather died before I can remember.
- Q She said that he had one older sister than herself, and that that sister was two years older? A Yes sir.
- Q And she would have been born then two years after the treaty was made, would she not? A Yes sir.
- Q Then what makes you think that Fielding F. Gunnels was the head of a family in 1830 or 1831, who lived in Mississippi, or Alabama? A I only know what my mother has told me.
- Q I want a little explanation if I can of the discrepancy here; your mother is 68 years old now, and therefore was born 4 years after the treaty of 1830 was signed; she had a sister two years older, and that would still make that child born two years after the treaty of 1830 was signed; I asked if Fielding F. Gunnels had a child living in Mississippi or Alabama in 1830, there seems to be two years lacking? A I don't know anything more than my mother has said.
- Q You claim then through your grandfather, Fielding F. Gunnels?
A Yes sir.
- Q And he through Elizabeth Gunnels? A Yes sir.
- Q He would have how much Choctaw blood? A One eighth fourth.
- Q Did any of your Choctaw ancestors own any land or claim any land in Mississippi or Alabama in the old Choctaw Nation under Article fourteen of the treaty of 1830? A I can not say.
- Q Did any of your Choctaw ancestors own any improvements on land in the old Choctaw Nation in 1830? A I do not know.
- Q Did any of your Choctaw ancestors go from that old Choctaw Nation east of the Mississippi river to the Choctaw Nation, Indian Territory, with the other Indians between 1833 and 1836 or 1840? A I do not know that.
- Q Did any of your Choctaw ancestors within six months after the treaty of 1830 was ratified go to the United States Indian

Agent, Colonel Ward, and tell him that they wanted to stay in Mississippi, take land there and become citizens of the states?
A I don't know.

In 1837 by an act of Congress approved March 3rd of that year, and in 1842, by an act of Congress approved August 23rd of that year, various commissions were appointed which went to Mississippi and heard claimants under article fourteen of the treaty of 1830. These Commissions were appointed because of the complaint among many of the Choctaw Indians, who said they had gone to Colonel Ward, the Indian Agent, within six months after the ratification of the treaty of 1830, and attempted to register under article fourteen of that treaty of 1830, but that he refused to register their names under it, and because of his refusal to put their names down on his list, which is known as Ward's register, they lost their lands there, which they had formerly occupied in the old Choctaw Nation in Mississippi and Alabama.

Q Do you know whether any of your Choctaw ancestors went before either of these commissions and claimed any benefits as Choctaw Indians under article fourteen of the treaty of 1830? A I do not know.

Q Did any of them receive any script from the government which entitled them to select land either in Mississippi, Alabama, Louisiana or Arkansas? A I never heard of that.

This script was issued under an act of Congress approved August 23rd, 1842, and was given to those Choctaw Indians who proved their claim under article fourteen of the treaty of 1830, and also proved that their land had been taken from them by the government and sold.

Q Do you want to have your case consolidated with your mother's case, Nancy Atkinson? A Yes sir.

The case of Nancy Atkinson, M C R 5823, is here referred to for the purpose of consolidation.

Q Do you speak or understand the Choctaw language? A I do not.
Q Could your great grandfather speak it? A I can not say.
Q What was your great grandfather's name? A Beverly Gunnels.
Q Could Fielding F. Gunnels speak the Choctaw language? A They said he could.

This applicant is allowed until July first, 1902, in which to introduce any other proof if she desires in support of this application.

Q Have you any other testimony that you want to offer now? A No sir.

This applicant has the appearance and physical characteristics of being descended from white parentage; black eyes; medium fair complexion, dark brown hair; has no knowledge of

of the Choctaw language, and no knowledge of the compliance on the part of her ancestors with any of the provisions of article 14 of the treaty of 1830.

W H Martin being first duly sworn on oath states that as stenographer to the Commission to the Five Civilized Tribes he recorded the above proceedings on the 16th day of June, 1902, and that the foregoing is a full, true and correct transcript of his stenographic notes in the same.

W H Martin

Subscribed and sworn to before me this 24th day of June, 1902.

Conrad H. Wood
Notary Public.

COPY.

M C R 8824

Winkegee, Indian Territory, October 14, 1902.

Mary Swinnea,
Hillsboro, Texas.

Dear Madam:

You are hereby advised that on the 14th day of October, 1902, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Nancy Atkinson et al., embracing the following applications for identification as Mississippi Choctaws:

Nancy Atkinson,	M C R 8823
Mary Swinnea,	M C R 8824
Addie Fisher,	M C R 8830
John T. Swinnea,	M C R 8928
Thomas R. Welch,	M C R 8968
Hannie Jones et al.,	M C R 8988
Jimmie Elizabeth Burner,	M C R 8926
Anna B. Rice et al.,	M C R 8967
Fannie Roberts et al.,	M C R 8927
Alonso Atkinson,	M C R 8928
Addie Atkinson,	M C R 8929

These applications were made under the provision of the act of Congress of June 28, 1902 (32 Stat., 495) which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteenth of the treaty between the United States and the Choctaw Nation, concluded September twenty-

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seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto and make report to the Secretary of the Interior."

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Nancy Atkinson, Mary Swinnea, Addie Fisher, John T. Swinnea, Thomas R. Welch, Fannie Jones, Marcella Jones, Jimmie Elizabeth Burner, Anna B. Richards, Elwood Richards, Edna Richards, Sidney Lee Richards, Annie Richards, Ruth Richards, Colma Richards, Fannie Roberts, Henry Russell Roberts, Alonso Atkinson and Addie Atkinson as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the applications for their identification as such should be refused, and it is so ordered."

You are further advised that you will be allowed fifteen days from the date hereof within which to file arguments in this office, and that at the expiration of said time the papers in the case, together with such arguments, will be forwarded for review to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

[Signature]
Commissioner in Charge.

Registered.

COPY.

Muskogee, Indian Territory, December 8, 1902.

Mary Swinnee,

Hillsboro Texas.

Dear Madam:

You are hereby notified that on the 26th day of November, 1902, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Nancy Atkinson, et al., of which decision you were advised by registered mail on the 14th day of October, 1902.

By direction of the Secretary of the Interior, the principal applicant in this case (Nancy Atkinson, of Hillsboro, Texas) has this day been furnished a copy of his letter affirming the decision of the Commission, and also a copy of the letter of the Commissioner of Indian Affairs reporting thereon.

Respectfully,

James Birby
Acting Chairman.

For Identification as a Mississippi Choctaw.

Date

JUN 11 1891

Name Mary Swinnear.

Age 47 - Blood 1/16

Post-Office, Killbuck, Texas.

Father, Henry Atkinson, d

Mother Nancy " l

Claims through mother
husband.
Henry Swinnear, l. w.No claim for
husbandChildren.Claims for self
alone

Stenographer

W. H. Martin.

Choctaw MCR 5825

Nannie Jones

See MCR 5823

MCR 5825

Department of the Interior,
Commission to the Five Civilized Tribes.
Muskogee, I. T., June 16, 1902.

Page.

In the matter of the application of Nannie Jones for the identification of herself and her minor child, Marcella Jones, as Mississippi Choctaws.

B. S. Johnson, Attorney for applicant.

Nannie Jones being first duly sworn testifies as follows:

Examination by the Commission.

- Q What is your name? A Nannie Jones.
Q What is your age? A 42, I was born in 1860.
Q What is your post office address? A Hillsboro, Texas.
Q How long have you lived in Hillsboro? A I have lived there 7 years.
Q Where did you live before that? A Waco, Texas.
Q How long did you live in Waco? A 8 years.
Q Were you born in Texas? A Elmore County, Alabama.
Q How long did you live in Alabama? A I was 11 years old when we came to Texas.
Q Is your father living? A No sir.
Q Is your mother living? A Yes sir.
Q What was your father's name? A Henry Atkinson.
Q What is your mother's name? A Nancy Atkinson.
Q Has she made application today for identification as a Mississippi Choctaw? A Yes sir.
Q Do you claim through your mother? A Yes sir.
Q How much Choctaw blood do you claim? A One sixteenth.
Q Has your mother ever been recognised or enrolled as a member of the Choctaw tribe of Indians by the Choctaw tribal authorities or the United States authorities in the Indian Territory? A Not that I know of.
Q She has made application to be identified as a Mississippi Choctaw on this date? A Yes sir.
Q Are you married? A Yes sir.
Q What is your husband's name? A Fred Jones.
Q Is he living? A Yes sir.
Q Is he a white man or Choctaw? A He is white.
Q You do not make any claim for him as a Choctaw? A No sir.
Q Have you any children? A Yes, three girls.
Q What is the name of the first? A Marcella Jones.
Q How old is she? A Three years.

- Q You claim for yourself and child? A Yes sir.
- Q Is your name on any of the tribal rolls of the Choctaw Nation in the Indian Territory? A No sir.
- Q You never lived in the Indian Territory, did you? A No sir.
- Q Is Fred Jones the father of Marcella? A Yes sir.
- Q Are you and your husband and child living together at your home? A No sir.
- Q Have you been divorced? A Yes sir.
- Q Did you get a divorce? A No sir, he got the divorce.
- Q How long have you lived apart? A 7 years.
- Q In what court was this divorce granted? A Waco, Texas.
- Q What county Court? A McLellan County.
- Q Were you given the custody of the child at that time? A Yes sir.
- Q Have you ever made application for citizenship in the Choctaw Nation to the Choctaw tribal authorities in the Indian Territory? A No sir, not until today.
- Q Have you ever made application for citizenship in the Choctaw Nation to the Commission to the Five Civilized Tribes under the act of Congress of June 10, 1896? A No sir.
- Q Have you ever been admitted to citizenship with your child in the Choctaw Nation by either the Choctaw tribal authorities, the Commission to the Five Civilized Tribes or to United States Court in the Indian Territory? A No sir.
- Q And no application has been made for your child either to the Choctaw tribal authorities or the United States authorities in the Indian Territory? A No sir, none that I know of.
- Q Is this the first application that has ever been made for your self and child for citizenship in the Choctaw Nation to any authority whatever? A Yes sir.
- Q Do you now come before the Commission to identify yourself and this little girl as Mississippi Choctaws? A Yes sir.
- Q Do you claim your right under article fourteen of the treaty of 1830? A Yes sir.
- Q Do you understand that article of that treaty? A Yes sir.
- Q You do not care to have it explained further? A No sir.

It reads as follows:

"ARTICLE XIV. Each Choctaw head of a family being desirous to remain and become a citizen of the states shall be permitted to do so, by signifying his intention to the Agent within six months from the ratification of this treaty, and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land, to be bounded by sectional lines of survey; in like manner shall be entitled to one half that quantity for each unmarried child which is living with him over ten years of age, and a quarter section to such child as may be under ten years of age, to adjoin the location of the parent. If they reside upon said lands intending to become citizens of the states for five years after the ratification of this treaty, in that case, a grant in fee simple shall issue; said reservation shall include the present improvement of the head of the family, or a portion of it. Persons who claim under this article shall not lose the privilege of a Choctaw citizen, but if they ever remove are not entitled to any portion of the Choctaw annuity."

- Q Did any of your Choctaw ancestors comply in any way or attempt to comply with article fourteen of the treaty of 1830? A I don't know.
- Q What is the name of your ancestor through whom you claim your right to be identified as a Mississippi Choctaw? A Fielding P. Gunnels.
- Q What relation to you was he? A My grandfather.
- Q How much Choctaw blood did he have? A He claimed one-fourth.
- Q Did he live in Mississippi or Alabama? A In Alabama I was told.
- Q Did he live there in 1830? A Yes sir.
- Q Do you know if he was the head of a family there then? A I suppose he was.
- Q Where do you get your information? A From my mother.
- Q She has made application here today? A Yes sir.
- Q Your mother's name is Nancy Atkinson? A Yes sir.
- Q How old would he be if living now, Fielding P. Gunnels? A He would be somewhere in the neighborhood of 100 years old.
- Q Where was he born? A I have been taught in Virginia.
- Q He moved from Virginia where? A To Georgia, and from Georgia to Alabama.
- Q He claimed his Choctaw blood through whom? A His mother.
- Q What was her name? A Betty Kelly.
- Q She married whom? A Beverly Gunnels.
- Q He was a white man? A Yes sir.
- Q Do you know when and where Elisabeth or Betty Gunnels was born? A No sir, I do not.
- Q Where did she live during her lifetime? A I can not say; she died in Virginia when my father was small, so my mother said.
- Q You claim through your mother? A Yes sir.
- Q Did any of your Choctaw ancestors own any land or claim any land in the old Choctaw Nation either in Mississippi or Alabama under article fourteen of the treaty of 1830? A I don't know.
- Q Did any of them own any improvements on land in the old Choctaw Nation in 1830? A I don't know.
- Q Did any of your Choctaw ancestors within six months after the ratification of the treaty of 1830 go to the United States Indian Agent, Colonel Ward, and tell him that they wanted to stay in Mississippi, take land there and become citizens of the States? A Of course I can not say.
- Q Did any of your Choctaw ancestors go from that old Choctaw Nation east of the Mississippi river to the Choctaw Nation, Indian Territory with the other Indians between 1833 and 1838 or 1840? A I can not say; I heard them say that my grandfather, Fielding P. Gunnels went away with the Indians, but where they went to I can not say; I do not know whether he went away with them or not; he was captured by the Indians, and when they found he was an Indian and could talk Indian they turned him loose.
- Q When was he captured? A It must have been about 1831; I have only heard them talk about it.
- Q By whom was he captured? A I don't know.
- Q But they found he had Choctaw blood and turned him loose? A Yes he spoke the Choctaw language and they turned him loose.
- Q How do you know he spoke the Choctaw language? A By hearing my uncle and my mother say so.
- Q You never saw him? A No sir.

The Choctaw Indians who remained in the old Choctaw Nation after the treaty of 1830 were the Choctaw Indians who were not removed to the Indian Territory.

go to the United States Indian Agent, Colonel Ward, who had an agency in Mississippi at that time, within six months after the ratification of the treaty of 1830, and tell him that they wanted to stay in Mississippi, take land there and become citizens of the states. A great many Choctaw Indians did this whose names Colonel Ward neglected to put upon his list, known as Ward's register. Because of his neglect a great many Choctaw Indians who had land in the old Choctaw Nation upon which they had improvements lost both land and improvements; they were both taken from them and sold at the public land sales by the government. This was a great wrong and injustice to the Indian, and caused a great many complaints, and as a result of the complaints Congress in 1837 by an act approved March 3rd of that year appointed a Commission which went to Mississippi and heard claimants under article fourteen of the treaty of Dancing Rabbit creek; and later on in 1842 a Commission was appointed under another act of Congress approved August 25th of that year for the same purpose; and this Commission also went to Mississippi and heard claimants under article fourteen of the treaty of 1830.

- Q Do you know whether any of your Choctaw ancestors went before either of these two commissions and claimed any rights or benefits under that article fourteen of the treaty of 1830? A No sir, I don't.
- Q Did you ever hear any of them say that any of your Choctaw ancestors received any script from the government which entitled them to select land in Mississippi, Louisiana, Alabama, or Arkansas? A No sir.

This script was issued under an act of Congress approved August 23rd, 1842, and was given to those Choctaw Indians who proved their claim under article fourteen of the treaty of 1830, and also proved that they had had land in the old Choctaw Nation which the government had taken from them and sold.

- Q Do you want to have your case consolidated with the case of your mother, Nancy Atkinson, and other relatives who have appeared here and made application to be identified as Mississippi Choctaws? A Yes sir.

The case of Nancy Atkinson, M. C. R. 5823, is here referred to for the purpose of consolidation of these cases.

- Q Do you speak the Choctaw language? A No sir.
- Q Have you any other evidence that you want to introduce now except this one witness here? A That's all.
- Q Do you care for any further time in which to introduce any other proof in this case? A The same as my mother.

This applicant is allowed until July first, 1902, in which to introduce other testimony in support of this claim.

This applicant has the appearance and physical characteristics of being descended from white parentage; black eyes; black hair; medium dark complexion; she does not understand

the Choctaw language, and has no knowledge of the compliance on the part of her ancestors with any provisions of the 14th article of the treaty of 1830.

W. H. Martin, being first duly sworn, on oath states that as stenographer to the Commission to the Five Civilized Tribes he recorded the above proceedings on the 16th day of June, 1902, and that the foregoing is a full, true and correct transcript of his stenographic notes in the same.

W. H. Martin

Subscribed and sworn to before me this 24th day of June, 1902.

Chas. M. [Signature]

Notary Public.

COPY.

M C R 5823

Muskogee, Indian Territory, October 14, 1902.

Fannie Jones,

Hillsboro, Texas.

Dear Madam:

You are hereby advised that on the 14th day of October, 1902, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Nancy Atkinson et al., embracing the following applications for identification as Mississippi Choctaws:

Nancy Atkinson,	M C R 5823
Mary Swinnea,	M C R 5824
Addie Fisher,	M C R 5830
John T. Swinnea,	M C R 5828
Thomas R. Welch,	M C R 5868
Fannie Jones et al.,	M C R 5823
Jimmie Elizabeth Burner,	M C R 5826
Anna B. Richards et al.,	M C R 5867
Fannie Roberts et al.,	M C R 5827
Alense Atkinson,	M C R 5828
Addie Atkinson,	M C R 5829.

These applications were made under the provision of the act of Congress of June 25, 1898 (30 Stat., 496) which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-

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seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto and make report to the Secretary of the Interior."

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Nancy Atkinson, Mary Swinnea, Addie Fisher, John T. Swinnea, Thomas R. Welch, Fannie Jones, Marcella Jones, Jimmie Elizabeth Burner, Anna B. Richards, Elwood Richards, Edna Richards, Sidney Lee Richards, Annie Richards, Ruth Richards, Colma Richards, Fannie Roberts, Henry Russell Roberts, Alonzo Atkinson and Addie Atkinson as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the applications for their identification as such should be refused, and it is so ordered."

You are further advised that you will be allowed fifteen days from the date hereof within which to file arguments in this office, and that at the expiration of said time the papers in the case, together with such arguments, will be forwarded for review to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

Commissioner in Charge.

Registered.

COPY

Muskogee, Indian Territory, December 8, 1902.

Hannie Jones,

Hillsboro, Texas.

Dear Madam:

You are hereby notified that on the 26th day of November, 1902, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Nancy Atkinson, et al., of which decision you were advised by registered mail on the 14th day of October, 1902.

By direction of the Secretary of the Interior, the principal applicant in this case (Nancy Atkinson of Hillsboro, Texas) has this day been furnished a copy of his letter affirming the decision of the Commission, and also a copy of the letter of the Commissioner of Indian Affairs reporting thereon.

Respectfully,

James D. Dyer
Acting Chairman

For Identification as a Mississippi Choctaw.

Date JUN 16 1932

Name *Nannie Jones -*Age *42* Blood *1/16*Post-Office, *Hillsboro, Texas.*Father: *Henry Atkinson, d*Mother: *Nancy " _____ l*- Claims through *mother* -
*Husband.**Fred Jones, l. w.*
No claim for
husband -

Children:

*Marcella Jones - 7**claims for self*
*and child -**N. H. Martin*

Choctaw MCR 5826

Jimmie Elizabeth Burner

See MCR 5823

MCR 5826

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., June 18, 1902.

#5826.

In the matter of the application of Jimmie Elizabeth Burner
for identification as a Mississippi Choctaw.

B S Johnson, Attorney for applicant.

Jimmie Elizabeth Burner, being first duly sworn, testifies as follows:

Examination by the Commission.

- Q What is your name? A Jimmie Elizabeth Burner.
Q What is your age? A Forty.
Q What is your post office address? A Dallas, Texas.
Q How long have you lived at Dallas? A Since January 28th in 1902, about five months.
Q What is your street number? A 223 Live Oak Street.
Q Where did you live before you lived in Dallas? A Hillsboro, Texas.
Q How long did you live in Hillsboro? A 15 or 16 years.
Q Where were you born? A In Elmore County, Alabama.
Q How long did you live in Alabama? A Until I was 8 years old.
Q And from there you went to Texas? A Yes sir.
Q Is your father living? A No sir.
Q Is your mother living? A Yes sir.
Q What was your father's name? A Henry Atkinson.
Q What is your mother's name? A Nancy Atkinson.
Q She has made application today to be identified as a Mississippi Choctaw? A Yes sir.
Q You claim through your mother? A Yes sir.
Q How much Choctaw blood do you claim? A One-sixteenth.
Q Has your mother ever been recognized or enrolled as a member of the Choctaw tribe of Indians by the Choctaw tribal authorities or the United States authorities in the Indian Territory? A Not that I know of.
Q Are you married? A Yes sir.
Q What is your husband's name? A S. F. Burner.
Q Is he living? A Yes sir.
Q Is he a Choctaw Indian or a white man? A No sir, he is a white man.
Q How many children do you have? A 3.
Q How old are they? A 12, 10 and 8 years old.
Q How many children do you have? A 3.

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- Q Is your name on any of the tribal rolls of the Choctaw Nation in the Indian Territory? A Not that I know of.
- Q Have you ever been admitted to citizenship in the Choctaw Nation by the Choctaw tribal authorities in the Indian Territory? A No sir.
- Q Have you ever been admitted to citizenship in the Choctaw Nation by the Commission to the Five Civilized Tribes under the act of Congress of June 10, 1896? A No sir.
- Q Have you ever been admitted to citizenship in the Choctaw Nation by the United States Court in the Indian Territory? A No sir.
- Q Have you ever made application to be enrolled by the Choctaw tribal authorities or the United States authorities in the Indian Territory? A No sir.
- Q Do you now come before the Commission to be identified as a Mississippi Choctaw? A Yes sir.
- Q Do you claim under article fourteen of the treaty of 1830? A Yes sir.
- Q Do you understand that article? A Yes sir, I think I do; I don't think it is necessary to explain it further.
- It reads as follows:

"ARTICLE XIV. Each Choctaw head of a family being desirous to remain and become a citizen of the states shall be permitted to do so by signifying his intention to the Agent within six months from the ratification of this treaty, and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land, to be bounded by sectional lines of survey; in like manner shall be entitled to one half that quantity for each unmarried child which is living with him over ten years of age, and a quarter section to each child as may be under ten years of age, to adjoin the location of the parent; if they reside upon said land intending to become citizens of the states for five years after the ratification of this treaty, in that case, a grant in fee simple shall issue; said reservation shall include the present improvement of the head of the family or a portion of it. Persons who claim under this article shall not lose the privilege of a Choctaw citizen, but if they ever remove are not entitled to any portion of the Choctaw annuity."

- Q Do you know if any of your Choctaw ancestors complied in any way or attempted to comply with article fourteen of the treaty of 1830? A I don't know.
- Q What is the name of your ancestor through whom you claim your right to be identified as a Mississippi Choctaw? A Fielding F. Gunnels.
- Q He claimed through his mother, Betty Kelly? A Yes sir.
- Q What was his wife's name? A Mary Gunnels.
- Q And before she was married? A Mary Peoples.
- Q She was white? A Yes sir.
- Q And he was your grandfather? A Yes sir.
- Q How much Choctaw blood did he have? A One fourth.
- Q Did he speak the Choctaw language? A Yes sir, I have been taught that.
- Q How old would he be living now? A 121 years old; he was born in 1791, I think.
- Q Where was he born? A In Virginia.
- Q From Virginia he went where? A To Georgia.
- Q And from Georgia where? A To Alabama.

- Q And he was living in Alabama in what year with reference to the treaty? A I suppose he was there in 1830.
- Q Was he married then? A I suppose he was; I don't know exactly because our family record was destroyed by fire; and I do not remember, but I suppose he was the head of a family at that time.
- Q That is the way you get it in the family as a matter of family history? A Yes sir; Mama was born in 1833 and she had one sister older than she.
- Q Born in Alabama? A Yes sir, no sir born in Georgia, my mother was born in Georgia and moved to Alabama when quite small.
- Q Was her older sister born in Alabama? A I don't know, I think not.
- Q Did any of your Choctaw ancestors own any land or claim any land in the old Choctaw Nation under article fourteen of the treaty of 1830? A Not that I know of.
- Q Did any of them own any improvements on land in Mississippi or Alabama in 1830? A I do not know.
- Q Did any of them go from that old Choctaw Nation to the Choctaw Nation, Indian Territory, with the other Indians between 1833 and 1838 or 1840? A I have no proof of that; only my grandfather being with them then, and his life being saved by his speaking the language and being an Indian.
- Q Did he go with them to the Choctaw Nation, Indian Territory? A I don't know about that. I don't think he did though.
- Q You never heard what place he located if he went with them to the Choctaw Nation, Indian Territory? A No sir, I don't suppose he went though.
- Q What have you been taught with reference to this, their having been seized or arrested or about his life being saved? A He was caught by the Indians during this battle and he saved his life and two or three others on account of his speaking the Indian language and having Indian blood in him.
- Q What battle was that? A It was during the time in Alabama or Georgia, it was in Alabama I think, and they run the Indians over in Mississippi, and history tells a great deal about that, about where there was so many families murdered and the whole neighborhood killed out, and his family was saved and he saved the lives of several others.
- Q What year was that? A About 1837 I think as well as we remember.
- Q Were those battles between the whites and Indians? A Yes, it was when they declared war up there, and quite a riot was had, my mother was about 4 years old as well as she remembers at the time of his being rescued and saving the lives of several by his being a quarter Indian.
- Q That would be in 1837 about 64 years ago? A Yes sir.
- Q Did you ever hear of Colonel William Ward, the United States Indian Agent? A Yes, I have heard him spoken of.
- Q Do you know whether any of your Choctaw ancestors went before him and tried to get any rights under him? A No sir.

The Choctaw Indians who lived in the old Choctaw Nation after the treaty of 1830 was ratified were required if they wanted to take advantage of article fourteen of that treaty to go before the United States Indian Agent, Colonel Ward and tell him that they wanted to stay in Mississippi, take land there, and become citizens of the States; a great many Choctaw Indians did that, whose ancestors had failed to get their land, and they were a great many. They wanted a great many Indians to stay in the old Choctaw Nation and take their land, and they were a great many.

both were taken by the government and sold at its public land sales some time after the ratification of the treaty of 1830. This caused a great many complaints among the Choctaw Indians, especially among those who lost their lands, and on account of their complaints Congress appointed a Commission in 1837 and another in 1842; these commissions went to Mississippi and heard claimants under article fourteen of the treaty of Dancing Rabbit Creek.

- Q Did any of your Choctaw ancestors go before either of these two Commissions and claim any benefits under article 14 of that treaty? A Not that I know of.
- Q Did any of your Choctaw ancestors receive any script from the government under an act of Congress approved August 23rd, 1842? A I don't know.

This script was issued to those Choctaw Indians who proved their rights under article fourteen, and also proved they had formerly held land in Mississippi which the government had taken from them and sold; and the holder of these certificates or script might select land in Mississippi, Alabama, Louisiana or Arkansas, this land was to be taken from vacant government land.

- Q Do you want to have your case consolidated with that of your mother, Nancy Atkinson, and also other relatives of yours, under the head of your mother? A Yes sir.

The case of Nancy Atkinson, M. C. R. 5823, is here referred to for the purpose of consolidation.

- Q Do you understand or speak the Choctaw language? A No sir.
- Q Have you any other evidence except this one witness that you desire to introduce in support of this claim? A No.
- Q Do you care for any time in which to introduce further testimony? A The same as the others.

This applicant is allowed until July first, 1902, in which to introduce other testimony in support of this claim.

This applicant has the appearance and physical characteristics of being descended from white parentage, except she has black eyes, black hair, dark complexion; has no knowledge of the Choctaw language; and no knowledge of the complicate on the part of her ancestors with any of the provisions of article 14 of the treaty of 1830.

W H Martin being first duly sworn on oath states that as stenographer to the Commission to the Five Civilized Tribes he recorded the above proceedings on the 12th day of June, 1902, and

-5-

that the foregoing is a full, true and correct transcript of his
stenographic notes in the same.

W. H. Madeline

Subscribed and sworn to before me this 25th day of June,
1908.

Charles H. Wood
Notary Public.

Washoe, Indian Territory, October 14, 1902.

Jimmie Elizabeth Burner,
 6222 Live Oak Street,
 Dallas, Texas.

Dear Madam:

You are hereby advised that on the 14th day of October, 1902, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Nancy Atkinson et al., embracing the following applications for identification as Mississippi Choctaws:

Nancy Atkinson,	W C R 5823
Mary Swinnea,	W C R 5824
Addie Fisher,	W C R 5825
John T. Swinnea,	W C R 5826
Thomas H. Welsh,	W C R 5827
Hannie Jones et al.,	W C R 5828
Jimmie Elizabeth Burner,	W C R 5829
Anna B. Richards et al.,	W C R 5830
Fannie Roberts et al.,	W C R 5831
Alonzo Atkinson,	W C R 5832
Addie Atkinson,	W C R 5833.

These applications were made under the provision of the act of Congress of June 20, 1902 (32 Stat., 492) which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights to the lands under article twenty of the Treaty between the United

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States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto and make report to the Secretary of the Interior."

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Nancy Atkinson, Mary Swinnea, Addie Fisher, John T. Swinnea, Thomas R. Welch, Nannie Jones, Marcella Jones, Jimmie Elizabeth Burner, Anna B. Richards, Elwood Richards, Edna Richards, Sidney Lee Richards, Annie Richards, Ruth Richards, Colma Richards, Fannie Roberts, Henry Russell Roberts, Alonzo Atkinson and Addie Atkinson as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the applications for their identification as such should be refused, and it is so ordered."

You are further advised that you will be allowed fifteen days from the date hereof within which to file arguments in this case, and that at the expiration of said time the papers in the case, together with such arguments, will be forwarded for review to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

T. I. Jackson
Commissioner in Charge.

Registered.

COMMISSIONERS
HENRY L. DAWES.
TAMM DIXBY.
THOMAS B. NEEDLES.
C. R. BRECKINRIDGE.

ALLISON L. AYLESWORTH,
SECRETARY

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

REFER IN REPLY TO THE FOLLOWING

M.C.R. 5826

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES

Muskogee, Indian Territory, December 8, 1902.

Jimmie Elizabeth Burner,
323 Live Oaks St.
Dallas, Texas.

Dear Madam:

You are hereby notified that on the 25th day of November, 1902, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Nancy Atkinson, et al., of which decision you were advised by registered mail on the 14th day of October, 1902.

By direction of the Secretary of the Interior, the principal applicant in this case (Nancy Atkinson, of Hillsboro, Texas) has this day been furnished a copy of his letter affirming the decision of the Commission, and also a copy of the letter of the Commissioner of Indian Affairs reporting thereon.

Respectfully,



Acting Chairman.

No. 5826

For Identification as a Mississippi Choctaw.

Date

JUN 16 1907

Name Jimmie Elizabeth Burner.

Age 40 - Blood 1/16

Post-Office, Dallas, Texas,
223 Lurock St. -

Father: Benny Atkinson. - d.

Mother: Nancy " - l.

Claims through mother -
Husband.

H. M. Burnet. f. w.

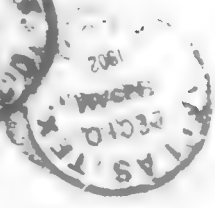
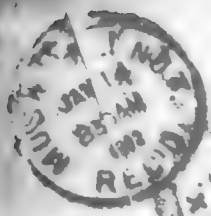
No claim for husband

Children:

claims for self
alone

Stenographer W. H. Martin.

5826



FILED
JAN 31 1903

[Handwritten signature]

ACTING CHAIRMAN



1/12

city direct

Department of the Interior.

Commission to the Five Civilized Tribes,

MUSKOGEE, IND. TER.

OFFICIAL BUSINESS.

Penalty for private use, \$300.

170 2nd St. 510 7 3



Jimmie Elizabeth Bruner,

223 Liveoak St.,

Dallas, Texas.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

FILED

NOV 22 1902



ACTING CHAIRMAN



9-5-10
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1902
MUSKOGEE, IND. TER.

REGISTRY DIVISION.
NOV 19 1902
DALLAS, TEX.

(W)

(11-19)

Name not in city directory

RETURN TO WRITER
UNCLAIMED

10343

10336

Jimmie Elizabeth Burner

Second Notice.

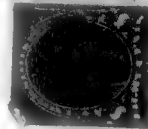
223 Ave C

1902

Department of the Interior.
Commission to the Five Civilized Tribes,
MUSKOGEE, IND. TER.

OFFICIAL BUSINESS.

Penalty for private use, \$300.



Dallas

1902

Choctaw MCR 5827

Fannie Roberts

See MCR 5823

MCR 5827

Department of the Interior,
Commission to the Five Civilized Tribes.
Muskogee, I. T., June 18, 1902.

fact.

In the matter of the application of Fannie Roberts for the identification of herself and her minor child, Henry Russell Roberts, as Mississippi Choctaws.

E. S. Johnson, Attorney for Applicant.

Fannie Roberts after being first duly sworn on her oath testifies as follows:

Examination by the Commission.

- Q What is your name? A Fannie Roberts.
Q What is your age? A Thirty-three.
Q What is your post office address? A Dallas, Texas.
Q What is the street number? A 181 Florence Street.
Q How long have you lived there? A Since last October.
Q Where before that? A In San Antonio.
Q How long? A Three years.
Q Where before that? A Hillsboro.
Q How long in Hillsboro? A You might say ten years.
Q Where were you born? A Alabama.
Q What place? A Elmore County.
Q How long did you live there? A I was 14 years old when we left and moved to Falls County.
Q Is your father living? A No sir.
Q Is your mother living? A Yes sir.
Q What was your father's name? A Henry Atkinson.
Q What is your mother's name? A Nancy Atkinson.
Q Do you claim through your mother? A Yes sir.
Q How much Choctaw blood do you claim? A One-sixteenth.
Q Has your mother ever been recognized or enrolled as a member of the Choctaw tribe of Indians by the Choctaw tribal authorities or the United States authorities in the Indian Territory? A No sir.
Q Are you married? A Yes sir.
Q What is your husband's name? A Newton Roberts.
Q Is he living? A Yes sir.
Q Is he a Choctaw Indian or a white man? A White man.
Q Do you make any claim for him? A No sir.
Q How many children have you that you want to make application for? A Just one.
Q What is its name? A Henry Russell Roberts.
Q How old is he? A Two years.
Q You claim for yourself and child? A Yes sir.

- Q Is Braxton Roberts the father of this child? A Yes sir.
- Q Are you and your husband and this child living together at your home? A Yes sir.
- Q Were either you or your husband married before you married each other? A No sir.
- Q Is your name on any of the tribal rolls of the Choctaw Nation in the Indian Territory? A No sir, I guess not.
- Q You have never lived in the Indian Territory? A No sir.
- Q And never heard that your name was placed upon the rolls of the Choctaw Indians in the Indian Territory? A No sir.
- Q Have you ever made application for citizenship in the Choctaw Nation to the Choctaw Nat tribal authorities in the Indian Territory? A No sir.
- Q Have you ever made application for citizenship in the Choctaw Nation to the Commission to the Five Civilized Tribes under the act of Congress of June 10, 1896? A No sir.
- Q Is this the first application you have ever made for citizenship in the Choctaw Nation either to the Choctaw tribal authorities, the Commission to the Five Civilized Tribes or the United States Court in the Indian Territory? A Yes sir.
- Q Have you ever been admitted to citizenship in the Choctaw Nation by any authority whatever up to the present time? A No sir.
- Q Do you now come before the Commission to be identified and to identify this child as Mississippi Choctaws? A Yes sir.
- Q Do you claim under article 14 of the treaty of 1830? A Yes sir.
- Q Do you understand that article? A I think so.
- Q Do you care to have it explained any further? A No, I think I understand it well enough.

It reads as follows:

"ARTICLE XIV. Each Choctaw head of a family being desirous to remain and become a citizen of the states shall be permitted to do so by signifying his intention to the Agent within six months from the ratification of this treaty, and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land, to be bounded by sectional lines of survey; in like manner shall be entitled to one half that quantity for each unmarried child which is living with him over ten years of age and a quarter section to such child as may be under ten years of age, to adjoin the location of the parent. If the reside upon said lands intending to become citizens of the states for five years after the ratification of this treaty, in that case, a grant in fee simple shall issue; said reservation shall include the present improvement of the head of the family, or a portion of it. Persons who claim under this article shall not lose the privilege of a Choctaw citizen, but if they ever remove are not entitled to any portion of the Choctaw annuity."

- Q Did any of your Choctaw ancestors comply or attempt to comply with any of the provisions of that article of that treaty? A No sir, not that I know of.
- Q What is the name of your ancestor through whom you claim your

- right to be identified as a Mississippi Choctaw? A Through my mother.
- Q And going back as far as you can to whom? A Of course grandfather's mother claimed to be one half Choctaw.
- Q What was your grandfather's name? A Fielding F. Gunnels.
- Q Your grandfather? A Yes sir.
- Q How much Choctaw blood did he have? A One fourth I guess; his mother was one half.
- Q What was his wife's name? A Mary Gunnels.
- Q What was her maiden name? A Mary Peoples.
- Q Was she a white woman? A Yes sir.
- Q How old would Fielding Gunnels be if living now? A About 101 years old.
- Q Did he live in Mississippi or Alabama? A Alabama.
- Q Did he live there in 1830? A Yes sir, I think so as well as I remember.
- Q Was he married and did he have a family there then? A Yes sir, in Alabama.
- Q Did he live in the old Choctaw Nation at that time? A Not that I know of.
- Q He claimed his blood through whom? A His mother.
- Q What was her name? A Betty Kelly.
- Q And she married whom? A Beverly Gunnels.
- Q Did they live in the old Choctaw Nation in Mississippi or Alabama? A Not that I know of. My grandfather was born in Virginia and then moved to Georgia and from there to Alabama, as well as I remember.
- Q Did any of your Choctaw ancestors own any land or claim any land in the old Choctaw Nation in Mississippi or Alabama under article fourteen of the treaty of 1830? A Not that I know of.
- Q Did any of them go from that old Choctaw Nation to the Choctaw Nation, Indian Territory, between 1833 and 1838 or 1840? A I don't know.
- Q Did any of them within six months after the ratification of the treaty of 1830 go to the United States Indian Agent, Colonel Ward, and tell him that they wanted to stay in Mississippi, take land there and become citizens of the states? A I do not know that.
- Q Did any of them own any improvements on land in Mississippi or Alabama that you know of in 1830? A No sir, not that I know of.

In 1837 by an act of Congress approved March 3rd of that year, and in 1842 by an act of Congress approved August 23rd of that year Commissions were appointed under these two respective acts, to go to Mississippi and hear claimants under article fourteen of the treaty of 1830. The reason why these Commissions were appointed was because a great many Choctaw Indians claimed they had gone to Colonel Ward within six months after the ratification of the treaty of 1830, and told him that they wanted to stay in Mississippi, take land there and become citizens of the states; in other words that they wanted to register under article fourteen of the treaty of 1830; but that Colonel Ward neglected to put their names upon his list known as Ward's register. His failure to do so caused these Indians to lose both their lands and improvements they had in the old Choctaw Nation; they were taken from them by the government and sold at its public land sales.

- Q Do you know if any of your Choctaw ancestors went before the Commission of 1837 or the Commission of 1842 and claimed any

- benefits under article 14 of that treaty? A No sir.
- Q What relation is Nancy Atkinson to you? A My mother.
- Q Do you want to have her case consolidated with yours, and with the cases of your sisters who have applied today? A Yes sir.

The case of Nancy Atkinson, M. C. R. 5823, is here referred to for the purpose of consolidation.

- Q Have you any proof you want to submit now except this witness that is going to testify? A No sir.
- Q Do you want any time in which to present other evidence? A Just the same as the others.

This applicant is allowed until July first, 1902, in which to introduce other evidence in support of this application.

- Q Do you speak the Choctaw language? A No sir.

This applicant has the appearance and physical characteristics of being descended from white parentage; medium dark complexion; blue eyes; dark brown hair; she does not understand or speak the Choctaw language and has no knowledge of the compliance on the part of her ancestors with any of the provisions of article fourteen of the treaty of 1830.

W. H. Martin, being first duly sworn, on oath states that as stenographer to the Commission to the Five Civilized Tribes he recorded the above proceedings on the 16th day of June, 1902, and that the foregoing is a full, true and correct transcript of his stenographic notes in the same.

W. H. Martin

Subscribed and sworn to before me this 26th day of June, 1902.

Charles Mitchell Wood
Notary Public.

N O R 8827

Mustoge, Indian Territory, October 14, 1902.

Fannie Roberts,
2161 Florence Street,
Dallas, Texas.

Dear Madam:

You are hereby advised that on the 14th day of October, 1902, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Nancy Atkinson et al., embracing the following applications for identification as Mississippi Choctaws:

Nancy Atkinson,	N O R 8823
Mary Swinnee,	N O R 8824
Addie Fisher,	N O R 8825
John T. Swinnee,	N O R 8826
Thomas R. Welch,	N O R 8827
Minnie Jones et al.,	N O R 8828
Fannie Elizabeth Warner,	N O R 8829
Anna B. Richards et al.,	N O R 8830
Fannie Roberts et al.,	N O R 8831
Alena Atkinson,	N O R 8832
Addie Atkinson,	N O R 8833

These applications were made under the provision of the act of Congress of June 30, 1900 (30 Stat., 408) which is as follows:

"This Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article thirteen of the treaty between the United

P R 2

States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto and make report to the Secretary of the Interior."

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Nancy Atkinson, Mary Swinnea, Addie Fisher, John T. Swinnea, Thomas R. Welch, Fannie Jones, Marcelle Jones, Jimmie Elizabeth Burner, Anna B. Richards, Elwood Richards, Edna Richards, Sidney Lee Richards, Annie Richards, Ruth Richards, Colma Richards, Fannie Roberts, Henry Russell Roberts, Alonzo Atkinson and Addie Atkinson as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the applications for their identification as such should be refused, and it is so ordered.

You are further advised that you will be allowed fifteen days from the date hereof within which to file arguments in this office, and that at the expiration of said time the papers in the case, together with such arguments, will be forwarded for review to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

SIGNED:

I. E. Neel

Commissioner in Charge.

Registered.

Muskogee, Indian Territory, December 8, 1902.

Fannie Roberts,

161 Florence St.

Dallas, Texas.

Dear Madam:

You are hereby notified that on the 26th day of November, 1902, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Nancy Atkinson, et al., of which decision you were advised by registered mail on the 14th day of October, 1902.

By direction of the Secretary of the Interior, the principal applicant in this case (Nancy Atkinson, of Hillsboro, Texas) has this day been furnished a copy of his letter affirming the decision of the Commission, and also a copy of the letter of the Commissioner of Indian Affairs reporting thereon.

Respectfully,

Tama Dixie
Acting Chairman.

No.

5827

For Identification as a Mississippi Choctaw.

Date

JUN 10 1902

Name

Fannie Roberts.

Age

33

Blond

116

Post-Office,

Waller, Texas

161 7 former St. d.

Father;

Nanny Atkinson.

Mother:

Nancy

"

l.

Claims through

mother.

husband.

~~Braxton~~

Braxton Roberts, l.

No claim for husband

Children:

Nanny Russell Roberts.

Claims for self &
Chie -

N. H. Martin

Choctaw MCR 5828

Alonzo Atkinson

See MCR 5823

MCR 5828

Department of the Interior,
Commission to the Five Civilized Tribes.
Muskogee, I. T., June 14, 1902.

4422.

In the matter of the application of Alonso Atkinson for
identification as a Mississippi Choctaw.

B. S. Johnson, Attorney for Applicant.

Alonso Atkinson after being first duly sworn testifies
as follows:

Examination by the Commission.

- Q What is your name? A Alonso Atkinson.
Q What is your age? A Thirty-one years old.
Q What is your post office address? A Hillsboro, Texas.
Q How long have you lived there? A Since,-- off and on for fifteen
years; I have lived in Waco
Q Where were you born? A In Alabama.
Q Where in Alabama? A Elmore County.
Q How long did you live in Alabama? A I left there when I was
about a year and a half old, and I have lived in Texas ever
since.
Q Is your father living? A No sir.
Q Is your mother living? A Yes sir.
Q What was your father's name? A Henry T. Atkinson.
Q What is your mother's name? A Nancy Atkinson.
Q She has made application today, has she not? A Yes sir.
Q How much Choctaw blood do you claim? A I claim one sixteenth.
Q Through your mother? A Yes sir.
Q Has your mother ever been recognized or enrolled as a member
of the Choctaw tribe of Indians by the Choctaw tribal authori-
ties or the United States authorities in the Indian Territory?
A No sir until today.
Q Are you married? A Yes sir.
Q What is your wife's name? A Thania Atkinson.
Q Is she living? A Yes sir.
Q Is she a Choctaw Indian or a white woman? A She is a white
woman.
Q How long have you lived with her? A No sir.
Q How long have you lived together? A Yes sir.
Q In how many of the Five Civilized Tribes of the Indian Territory
in the Indian Territory? A No sir, but I claim to be
a Choctaw Indian.

- Q Have you ever made application for citizenship in the Choctaw Nation to the Dawes Commission under the act of Congress of June 10, 1896? A No sir.
- Q Is this the first application you have ever made of any kind for citizenship in the Choctaw Nation to any authority whatever? A Yes sir.
- Q Have you ever been admitted to citizenship in the Choctaw Nation by either the Choctaw tribal authorities, the Commission to the Five Civilized Tribes or the United States Court in the Indian Territory? A No sir.
- Q Do you now come before the Commission to be identified as a Mississippi Choctaw claiming under article fourteen of the treaty of 1830? A Yes sir.
- Q Do you understand that treaty or article fourteen of that treaty? A I don't know that I do; I have not heard you explain it I don't believe.

The treaty of 1830 was made between the United States government and the Choctaw Indians at a place in Mississippi called Dancing Rabbit Creek on the 27th day of September, 1830. The object of the treaty was to remove as far as possible all of the Choctaw Indians who lived in that old Choctaw Nation to the Choctaw Nation, Indian Territory; before the treaty was signed it became known that a good many Choctaw Indians would not go to the Choctaw Nation, Indian Territory, and in order to protect the interests of those Indians who remained back there article fourteen was put into the treaty of 1830. The treaty was then signed and afterwards on the 24th day of February, 1831, was ratified. That article is as follows:

"ARTICLE XIV. Each Choctaw head of a family being desirous to remain and become a citizen of the states shall be permitted to do so, by signifying his intention to the Agent within six months from the ratification of this treaty, and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land, to be bounded by sectional lines of survey; in like manner shall be entitled to one half that quantity for each unmarried child which is living with him over ten years of age and a quarter section to such child as may be under ten years of age, to adjoin the location of the parent. If they reside upon said lands intending to become citizens of the states for five years after the ratification of this treaty, in that case, a grant in fee simple shall issue; said reservation shall include the present improvement of the head of the family, or a portion of it. Persons who claim under this article shall not lose the privilege of a Choctaw citizen, but if they ever remove are not entitled to any portion of the Choctaw annuity."

- Q Did any of your Choctaw ancestors comply or attempt to comply with that article of that treaty? A Not that I know of.
- Q What is the name of your ancestor through whom you claim your right to be identified as a Mississippi Choctaw? A My mother.
- Q Goin back further than that? A On her father's side, my grandfather.
- Q What was his name? A Fielding Gammon.
- Q What was the name of his wife? A Mary Peoples.

- 1-
- Q Was she a white woman? A Yes sir.
- Q How much Choctaw blood did Fielding Gunnels have? A He claimed one-fourth.
- Q What relation was he to you? A My grandfather.
- Q Did he live in Mississippi or Alabama in 1830? A That I do not know.
- Q Do you know whether he lived in the old Choctaw Nation in 1830 and was the head of a family there then? A No sir.
- Q Did he have a Choctaw Indian name? A That I don't know.
- Q Did he speak the Choctaw language? A I have been told he did.
- Q By whom have you been told that? A By my mother, that he spoke the Choctaw language.
- Q But you do not know whether he lived in the old Choctaw Nation at any time? A No sir.
- Q Do you know of any ancestor who did live in the old Choctaw Nation? A No sir, well now, what is the old Choctaw Nation; let me explain that; he lived in Alabama I have been told.
- Q But did he live in Alabama? A Yes sir, he lived in Alabama in 1830.
- Q Did he have a family living there then? A Yes sir.
- Q But you do not know whether he lived in the old Choctaw Nation? A No sir I don't.
- Q Did any of your Choctaw ancestors own any land or claim any land in the old Choctaw Nation under article fourteen of the treaty of 1830 in Mississippi or Alabama? A Not that I know of.
- Q Did any of them own any improvements on land in Mississippi or Alabama in 1830? A No sir, not that I know of.
- Q Did any of them go from that old Choctaw Nation to the Choctaw Nation, Indian Territory, with the other Indians between 1835 and 1838, and 1840? A Not that I know of.
- Q Did any of your Choctaw ancestors within six months after the ratification of the treaty of 1830 go to the United States Indian Agent, Colonel Ward, at his office in Mississippi, and tell him that they wanted to stay in Mississippi, take land there and become citizens of the states? A Not that I know of.

In 1837 by an act of Congress approved March 3rd of that year and by an act of Congress approved August 23rd, 1842, commissions were appointed which went to Mississippi and heard claimants under article fourteen of the treaty of 1830. The reason why these two different commissions were appointed was because of the complaint of Choctaw Indians who claimed that they had been before Colonel Ward, the United States Indian Agent, within six months after the ratification of the treaty of 1830, and tried to register under article 14 of that treaty, but that he refused to put their names upon his list, known as "Ward's Register". His refusal to record these names on his register caused these Indians to lose their lands and improvements which they had in Mississippi; they were both taken from them by the government and sold at its public land sales.

- Q Do you know if any of your Choctaw ancestors appeared before either of these commissions and claimed any benefits under article 14 of the treaty of 1830? A No sir, I do not.

- 4-
- Q Did any of your Choctaw ancestors receive any script from the government which entitled them to select land either in Mississippi, Alabama, Louisiana or Arkansas? A No sir, not that I know of.

This script was issued under an act of Congress approved August 23rd, 1842, and was given to those Indians who proved their claim under article fourteen of the treaty of 1830, and also proved that they had land taken from them in the old Choctaw Nation in Mississippi or Alabama by the government and sold.

- Q You never heard of your Choctaw ancestors receiving any such script? A No sir.
- Q Is Nancy Atkinson your mother? A Yes sir.
- Q Would you like to refer to her case and have it made a part of your own? A Yes sir.
- Q And have your case consolidated with hers and other relatives of yours? A Yes sir.

The case of Nancy Atkinson, H C R 2623, is here referred to for the purpose of consolidation.

- Q Have you any other witnesses you want to call except this one witness, Mr. Peoples? A That is all.
- Q Do you want any time allowed to introduce evidence? A Yes sir.

This applicant is allowed until July first, 1902, in which to introduce other testimony in support of this application.

- Q Do you speak or understand the Choctaw language? A No sir.
- Q Do you care to say anything farther? A No, I suppose not, not now.

This applicant has the appearance and physical characteristics of being descended from white parentage; black eyes; dark brown hair; medium dark complexion; has no knowledge of the Choctaw language and no knowledge of the compliance on the part of his ancestors with any of the provisions of article fourteen of the treaty of 1830.

W H Martin being first duly sworn on oath states that as stenographer to the Commission to the Five Civilized Tribes he recorded the above proceedings on the 16th day of June, 1902, and that the foregoing is a full, true and correct transcript of his stenographic notes in the same.

W H Martin

Subscribed and sworn to before me this 16th day of June, 1902.

Charles H. [illegible]

- Q Did any of your Choctaw ancestors receive any script from the government which entitled them to select land either in Mississippi, Alabama, Louisiana or Arkansas? A No sir, not that I know of.

This script was issued under an act of Congress approved August 23rd, 1842, and was given to those Indians who proved their claim under article fourteen of the treaty of 1830, and also proved that they had land taken from them in the old Choctaw Nation in Mississippi or Alabama by the government and sold.

- Q You never heard of your Choctaw ancestors receiving any such script? A No sir.
Q Is Nancy Atkinson your mother? A Yes sir.
Q Would you like to refer to her case and have it made a part of your own? A Yes sir.
Q And have your case consolidated with hers and other relatives of yours? A Yes sir.

The case of Nancy Atkinson, H C R 3623, is here referred to for the purpose of consolidation.

- Q Have you any other witnesses you want to call except this one witness, Mr. Peoples? A That is all.
Q Do you want any time allowed to introduce evidence? A Yes sir.

This applicant is allowed until July first, 1902, in which to introduce other testimony in support of this application.

- Q Do you speak or understand the Choctaw language? A No sir.
Q Do you care to say anything further? A No, I suppose not, not now.

This applicant has the appearance and physical characteristics of being descended from white parentage; black eyes; dark brown hair; medium dark complexion; has no knowledge of the Choctaw language and no knowledge of the compliance on the part of his ancestors with any of the provisions of article fourteen of the treaty of 1830.

W N Martin being first duly sworn on oath states that as stenographer to the Commission to the Five Civilized Tribes he recorded the above proceedings on the 16th day of June, 1902, and that the foregoing is a full, true and correct transcript of his stenographic notes in the same.

Subscribed and sworn to before me this 24th day of June, 1902.

W N Martin
Charles H. Wood

COPY.

H C R 8828

Washoe, Indian Territory, October 14, 1908.

Alonso Atkinson,
Hillsboro, Texas.

Dear Sir:

You are hereby advised that on the 14th day of October, 1908, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Nancy Atkinson et al., embracing the following applications for identification as Mississippi Choctaws:

Nancy Atkinson,	H C R 8823
Mary Swinnea,	H C R 8824
Addie Fisher,	H C R 8830
John T. Swinnea,	H C R 8828
Thomas R. Welch,	H C R 8865
Nannie Jones et al.,	H C R 8825
Jimmie Elizabeth Burner,	H C R 8826
Anna B. Richards et al.,	H C R 8827
Fannie Roberts et al.,	H C R 8827
Alonso Atkinson,	H C R 8828
Addie Atkinson,	H C R 8829.

These applications were made under the provision of the act of Congress of June 22, 1906 (34 Stat., 493) which is as follows:

"Said Commission shall have authority to determine the location of Indian graves claiming rights in the Choctaw lands under the provisions of the treaty between the United States and the Choctaw Nation, concluded September twenty-

A A 2

seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto and make report to the Secretary of the Interior."

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Nancy Atkinson, Mary Swinnea, Addie Fisher, John T. Swinnea, Thomas R. Welch, Wannie Jones, Marcella Jones, Jimmie Elizabeth Burner, Anna B. Richards, Elwood Richards, Edna Richards, Sidney Lee Richards, Annie Richards, Ruth Richards, Colma Richards, Fannie Roberts, Henry Russell Roberts, Alonso Atkinson and Addie Atkinson as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the applications for their identification as such should be refused, and it is so ordered."

You are further advised that you will be allowed fifteen days from the date hereof within which to file arguments in this office, and that at the expiration of said time the papers in the case, together with such arguments, will be forwarded for review to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

SIGNED:

T. E. Neelies.

Commissioner in Charge.

Registered.

M.O.R. 5028

Waskagee, Indian Territory, December 8, 1902.

Alonzo Atkinson,

Hillsboro, Texas.

Dear Sir:

You are hereby notified that on the 26th day of November, 1902, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Nancy Atkinson, et al., of which decision you were advised by registered mail on the 14th day of October, 1902.

By direction of the Secretary of the Interior, the principal applicant in this case (Nancy Atkinson, of Hillsboro, Texas) has this day been furnished a copy of the letter affirming the decision of the Commission and a copy of the letter of the Commissioner of Indian Affairs reporting thereon.

Respectfully,

SIGNED:

Francis Bixby
Acting Chairman.

"

No.

5828

For Identification as a Mississippi Choctaw.

Date

JUN 16, 1900

Name

Alonzo Atkinson.

Age

31

Blood

1/16

Post-Office,

Killebuck, Texas.

Father:

Henry D. Atkinson d

Mother:

Nancy " l

Claims through

mother - -

Wife, Phania Atkinson, b.w.

No claim for wife.

~~Children:~~

Claim for wife
alone

M. H. Martin

Choctaw MCR 5829

Addie Atkinson

See MCR 5823

MCR 5829

Department of the Interior,
Commission to the Five Civilized Tribes.
Muskogee, I. T., June 16, 1902.

40229.

In the matter of the application of Addie Atkinson for
identification as a Mississippi Choctaw.

B. E. Johnson, Attorney for applicant.

Addie Atkinson being first duly sworn testifies as follows:

Examination by the Commission.

- Q What is your name? A Addie Atkinson.
Q What is your age? A Twenty-two.
Q What is your post office address? A Hillsboro, Texas.
Q How long have you lived there? A Between 15 and 16 years.
Q Where did you live before that? A Aquilla, Texas.
Q And before that where? A I was born there.
Q Is your father living? A No sir.
Q Is your mother living? A Yes sir.
Q What was your father's name? A Henry Atkinson.
Q What is your mother's name? A Nancy Atkinson.
Q You claim through your mother? A Yes sir.
Q How much Choctaw blood do you claim? A One sixteenth.
Q Has your mother ever been recognized or enrolled as a member of
the Choctaw tribe of Indians by the Choctaw tribal authorities
or the United States authorities in the Indian Territory? A
Not until today.
Q She made application today? A Yes sir.
Q You claim for yourself alone? A Yes sir.
Q Is your name on any of the tribal rolls of the Choctaw Nation
in the Indian Territory? A Not that I know of.
Q Have you ever made application for citizenship in the Choctaw
Nation to the Choctaw tribal authorities in the Indian Terr-
itory? A No sir.
Q Have you ever made application for enrollment as a Choctaw cit-
izen to the Bureau Commission under the act of Congress of June
18, 1902? A No sir.
Q Have you ever been admitted to citizenship in the Choctaw Na-
tion by either the Choctaw tribal authorities, the Commission
in the Five Civilized Tribes or the United States Court in
the Indian Territory? A No sir.
Q In this case, what tribe, other than the Choctaw, do you
claim to be a member of?

treaty of 1830? A Yes sir.
Q Do you understand that article of that treaty? A I think I do.

That article reads as follows:

"ARTICLE XIV. Each Choctaw head of a family being desirous to remain and become a citizen of the states shall be permitted to do so by signifying his intention to the Agent within six months from the ratification of this treaty, and he or she shall thereupon be entitled to a reservation of one ~~four~~ section of six hundred and forty acres of land, to be bounded by sectional lines of survey; in like manner shall be entitled to one half that quantity for each unmarried child which is living with him over ten years of age, and a quarter section to such child as may be under ten years of age, to adjoin the location of the parent; if they reside upon said lands intending to become citizens of the states for five years after the ratification of this treaty, in that case, a grant in fee simple shall issue; said reservation shall include the present improvement of the head of the family or a portion of it. Persons who claim under this article shall not lose the privilege of a Choctaw citizen, but if they ever remove are not entitled to any portion of the Choctaw annuity."

Q Did any of your Choctaw ancestors comply or attempt to comply with article fourteen of the treaty of 1830? A I don't know.
Q What is the name of your ancestor through whom you claim your right to be identified as a Mississippi Choctaw? A My mother.
Q Go in back as far as you can? A On her father's side.
Q What was her father's name? A Fielding Gurnels. His wife was Mary Peoples.
Q Is Mary Peoples a white woman? A Yes sir.
Q How much Choctaw blood did Fielding Gurnels have? A One-fourth.
Q What relation to you? A My grandfather.
Q Did he live in Mississippi or Alabama in 1830? A In Alabama.
Q Did he live there in 1830? A Yes sir.
Q Was he the head of a family there then? A I think so; I do not know.
Q He claimed his Choctaw blood through whom? A His mother.
Q What was her name? A Betty Kelly.
Q And she married whom? A Beverly Gurnels.
Q Did they live in Mississippi or Alabama? A Alabama.
Q Did they live in Alabama? A Yes sir.
Q In 1830? A Yes sir.
Q Well now, did Fielding Gurnels also live there in 1830 and was the head of a family there then? A Did I say Beverly Gurnels? It was my grand father who lived in Alabama.
Q How about your great grandfather? A He lived in Virginia.
Q What was his name? A Beverly Gurnels.
Q He did not live in Alabama did he? A I don't think he did.
Q Did any of your Choctaw ancestors own any land or claim any land in the old Choctaw Nation under article fourteen of the treaty of 1830? A I don't know.
Q Did any of your Choctaw ancestors within six months after the ratification of the treaty of 1830 go to the United States Indian Agent, Colonel Ward, and tell him they wanted to stay in Mississippi, take land there and become citizens of the states? A I do not know.
Q Did any of them own any improvements on land in the old Choctaw Nation in 1830? A I do not know.
Q Did any of them go from that old Choctaw Nation east of the Mississippi river to the Choctaw Nation, Indian Territory, with

the other Indians between 1833 and 1838 or 1840? A I don't remember.

In 1837 under an act of Congress approved March 3rd of that year, and in 1842 under an act of Congress approved August 23rd of that year, commissions were appointed which went to Mississippi and heard claimants under article fourteen of the treaty of Dancing Rabbit creek. The reason why these two commissions were appointed was because of the complaint which Choctaw Indians made that had been to the United States Indian Agent, Colonel Ward, within six months after the ratification of the treaty of 1830 and attempted to register under article 14 of that treaty; but that Colonel Ward, the United States Indian Agent refused to take their names and place them upon his list, known as Ward's Register; because of his neglect to do this a great many Choctaw Indians who held lands and improvements in the old Choctaw Nation lost both lands and improvements; they were both taken by the government and sold at its public land sales.

Q Do you know if any of your Choctaw ancestors went before either of these commissions and claimed any benefits as Choctaw Indians? A No sir.

An act of Congress approved August 23rd. 1842, provided that if any Choctaw Indian proved his claim under article fourteen of the treaty of 1830, and further proved he had held land in the old Choctaw Nation which the government had taken from him and sold, he might select land in Mississippi, Alabama, Louisiana or Arkansas to be taken from vacant government land, and that script or certificates should be issued to him to that effect.

Q Did any of your Choctaw ancestors receive any such script or certificates? A I do not know.
Q What relation is Nancy Atkinson to you? A My mother.
Q She has been before the Commission today to be identified as a Mississippi Choctaw? A Yes sir.
Q Do you want to refer to her case and have it made a part of yours? A Yes sir.
Q And also these other relatives who have been here? A Yes sir.

The case of Nancy Atkinson, M. C. R. 5825, is here referred to for the purpose of consolidation.

Q Have you any other evidence that you want to introduce now? A No sir, only the one uncle.
Q Do you want any time in which to introduce other testimony in this case? A Yes sir.

This applicant is allowed until July first, 1902, in which to introduce other evidence if she desires in support of this application.

Q Do you speak the Choctaw language? A No sir.

This applicant has the appearance and physical characteristics of being descended from white parents; black eyes;

black hair, or nearly so; medium dark complexion. Has no knowledge of the Choctaw language, and no knowledge of the compliance on the part of her ancestors with any of the provisions of article 14 of the treaty of 1830.

V H Martin being first duly sworn on his oath states that as stenographer to the Commission to the Five Civilized Tribes he recorded the above proceedings on the 16th day of June, 1902; and that the foregoing is a full, true and correct transcript of his stenographic notes in the same,

V H Martin

Subscribed and sworn to before me this 18th day of June, 1902.

Chas Mitchell Wood
Notary Public.

COPY.

M C R 3329

McAlester, Indian Territory, October 14, 1902.

Addie Atkinson,
Hillsboro, Texas.

Dear Madam:

You are hereby advised that on the 14th day of October, 1902, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Nancy Atkinson et al., concerning the following applications for identification as Mississippi Choctaws:

Nancy Atkinson,	M C R 3323
Mary Swinnea,	M C R 3324
Addie Fisher,	M C R 3330
John T. Swinnea,	M C R 3328
Thomas R. Welch,	M C R 3368
Nannie Jones et al.,	M C R 3325
Fimmie Elizabeth Burner,	M C R 3326
Anna S. Richards et al.,	M C R 3367
Fannie Roberts et al.,	M C R 3327
Alonzo Atkinson,	M C R 3328
Addie Atkinson,	M C R 3329.

These applications were made under the provision of the act of Congress of June 20, 1898 (30 Stat., 495) which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-

A A 2

seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto and make report to the Secretary of the Interior."

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Nancy Atkinson, Mary Swinnea, Addie Fisher, John T. Swinnea, Thomas R. Welch, Fannie Jones, Marcella Jones, Jimmie Elizabeth Burner, Anna B. Richards, Elwood Richards, Edna Richards, Sidney Lee Richards, Annie Richards, Ruth Richards, Celma Richards, Fannie Roberts, Henry Russell Roberts, Alonso Atkinson and Addie Atkinson as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the applications for their identification as such should be refused, and it is so ordered."

You are further advised that you will be allowed fifteen days from the date hereof within which to file arguments in this office, and that at the expiration of said time the papers in the case, together with such arguments, will be forwarded for review to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

E. D. Swinnea,
Commissioner in Charge.

Registered.

COPIE

Muskogee, Indian Territory, December 8, 1902.

Addie Atkinson,

Hillsboro, Texas.

Dear Madam:

You are hereby notified that on the 26th day of November, 1902, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Nancy Atkinson, et al., of which decision you were advised by registered mail on the 14th day of October, 1902.

By direction of the Secretary of the Interior, the principal applicant in this case (Nancy Atkinson, of Hillsboro, Texas) has this day been furnished a copy of his letter affirming the decision of the Commission, and also a copy of the letter of the Commissioner of Indian Affairs reporting thereon.

Respectfully,

James G. Smith
Acting Chairman.

No. 5829

For Identification as a Mississippi Choctaw.

Date

JUN 16 1902

Name *Addie Atkinson.*

Age *22* — Blood *"16*

Post-Office, *Hillbors, Tex.*

Father: *Tommy Atkinson - d.*

Mother: *Nancy " l.*

Claims through *Mother* — —

~~Added~~

*Claims for self
done*

Choctaw MCR 5830

Addie Fisher

See MCR 5823

MCR 5830

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.
Muskogee, I. T., June 16, 1903.

#5830.

In the matter of the application of Addie Fisher for
identification as a Mississippi Choctaw.

B. S. Johnson, Attorney for applicant.

Addie Fisher being first duly sworn testifies as follows:

Examination by the Commission.

- Q What is your name? A Addie Fisher.
Q What is your age? A Twenty-seven.
Q What is your post office address? A Hillsboro, Texas.
Q How long have you lived at Hillsboro? A Seven years.
Q Before that where? A Marlin, Texas.
Q How long did you live there? A About twenty years.
Q Were you born in Texas? A Yes sir.
Q Where in Texas? A Falls county.
Q Is your father living? A Yes sir.
Q Is your mother living? A Yes sir.
Q What is your father's name? A Henry Swinnea.
Q What is your mother's name? A Mary Swinnea.
Q You claim through which parent your father or mother? A My
mother.
Q How much Choctaw blood do you claim? A One-thirtysecond.
Q Has your mother ever been recognized or enrolled as a member
of the Choctaw tribe by the Choctaw tribal authorities or the
United States authorities in the Indian Territory? A No sir.
Q Are you married? A Yes sir.
Q What is your husband's name? A Will Fisher.
Q Is he living? A Yes sir.
Q A white man? A Yes sir.
Q You claim to claim few, less as a Choctaw? A No sir, just myself.
Q Is your name on any of the tribal rolls of the Choctaw Nation
in the Indian Territory? A Not that I know of.
Q Have you ever made application for admission in the Choctaw
Nation to the Choctaw tribal authorities in the Indian Terri-
tory? A Not until now.
Q Have you ever made application for admission in the Choctaw
Nation to the Commission to the Five Civilized Tribes?
Q The act of Congress of June 10, 1900?
Q Is this the first application you have made for admission
as a Choctaw Nation to any authority?
Q Yes sir.

- Q Have you ever been admitted to citizenship in the Choctaw Nation by either the Choctaw tribal authorities, the Commission to the Five Civilized Tribes or the United States Court in the Indian Territory? A No sir.
- Q Do you now come before the Commission to be identified as a Mississippi Choctaw? A Yes sir.
- Q Do you claim under article fourteen of the treaty of 1830? A Yes sir.
- Q Do you understand that article? A I think I do about as well as I could if y u explained it a ny more.

It reads as follows:

"ARTICLE XIV. Each Choctaw head of a family being desirous to remain and become a citizen of the states shall be permitted to do so by signifying his intention to the Agent within six months from the ratification of this treaty, and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land to be bounded by sectional lines of survey; in like manner shall be entitled to one half that quantity for each unmarried child which is living with him over ten years of age, and a quarter section to such child as may be under ten years of age, to adjoin the location of the parent. If they reside upon aid lands intending to become citizens of the states for five years after the ratification of this treaty, in that case, a grant in fee simple shall issue; said reservation shall include the present improvement of the head of the family or a portion of it. Persons who claim under this article shall not lose the privilege of a Choctaw citizen, but if they ever remove are not entitled to any portion of the Choctaw annuity."

- Q Did any of your Choctaw ancestors comply or attempt to comply with article fourteen of the treaty of 1830? A Not that I know of.
- Q What is the name of your ancestor through whom you claim your right to be identified as a Mississippi Choctaw? A My mother, Mary Swinnea.
- Q And you go back to whom? A My grandmother, Nancy Atkinson.
- Q What relation is Fielding F. Gunnels to you? A My great grandfather.
- Q You claim through him? A Yes sir.
- Q How much Choctaw blood did he have? A He was one fourth.
- Q What was his wife's name? A Mary Peoples
- Q A white woman? A Yes sir.
- Q Now Fielding F. Gunnels claimed through whom, his father or mother? A His mother.
- Q And her name was what? A Betty Kelly.
- Q And she married whom? A Beverly Gunnels, she married.
- Q Did she or her husband live in the old Choctaw Nation? A I don't know.
- Q Did Fielding Gunnels live in the old Choctaw Nation? A I don't know, he lived in Alabama.
- Q Did he live in Alabama in 1830 and have a family there then? A Why yes, I think so, I have heard them say so.
- Q Did Fielding Gunnels have a Choctaw Indian name or speak the Choctaw language? A In fact I don't know.
- Q How old would he be if living now? A 101 years old.

- Q Where was he born, do you know? A He was born, I don't know.
- Q When did he remove if he removed to Alabama? A I don't know that.
- Q Was he born in Alabama? A I don't know that, I don't think he was.
- Q But you think he was living in Alabama in 1830 and had a family there then? A I think so.
- Q Did any of your Choctaw ~~land~~ ancestors own any land or claim any land under article fourteen of the treaty of 1830 in Mississippi or Alabama in the old Choctaw Nation? A Not that I know of.
- Q Did any of your Choctaw ancestors within six months after the ratification of the treaty of 1830 go to the United States Indian Agent, Colonel Ward, and tell him that they wanted to stay in Mississippi, take land there, and become citizens of the states? A I do not know that.
- Q Did any of your Choctaw ancestors go from that old Choctaw Nation to the Choctaw Nation, Indian Territory, with the other Indians between 1833 and 1838? Q I can not say about that.
- Q Did any of them own any improvements on land in the old Choctaw Nation in Mississippi or Alabama in 1830? A I don't know.
- Q Did you ever hear that any of your Choctaw ancestors went before the Commission of 1837 or 1842 and claimed any benefits under article fourteen of the treaty of 1830? A No sir.

The reason why these two Commissions were appointed, one in 1837 and one in 1842 under various acts of Congress, was because of the complaint of Choctaw Indians who stated that they went to Colonel Ward within six months after the treaty of 1830 was ratified, and tell him that they wanted to stay in Mississippi, take land there, and become citizens of the states, and requested him to place their names on his list, known as "Ward's register", and that he ignored their applications and failed to put their names on his list, and because he did so these Indians who held lands in the old Choctaw Nation, upon which they had improvements, lost both their land and improvements.

- Q Did any of your ancestors go before either of these two Commissions and claim any benefits under article fourteen of that treaty? A Not that I know of.
- Q Did any of your Choctaw ancestors receive any script or certificates from the government as Choctaw Indians which entitled them to select land either in Mississippi or Alabama, Louisiana or Arkansas? A I do not know anything about that.

This script was issued under an act of Congress approved August 23rd, 1842, and entitled the Choctaw Indians who received it to select land in one of these four states or territories, and was issued to those Indians who proved they had rights under article fourteen of the treaty of 1830, and also proved that their land had been taken from them in the old Choctaw Nation and sold by the government.

- Q What relation is Nancy Atkinson to you? A She is my grandmother.
- Q She has made application, has she not, here today before the Commission to be identified as a Mississippi Choctaw? A Yes sir.
- Q Do you want to have your case and the cases of other relatives

-4-
of yours consolidated under the case of your grandmother, Nancy Atkinson? A Yes sir.

§ The case of Nancy Atkinson, W. O. R. 5825, is here referred to for the purpose of consolidation.

- Q Do you speak the Choctaw language? A No sir.
Q Is there anything more that you want to say in support of this application? A Nothing more at present.
Q Have you any other proof that you want to submit now? A Not that I know of.
Q Do you want a little time in which to introduce other evidence? A The same as the others.

This applicant is allowed until July first, 1902, in which to introduce other testimony in support of her claim if she desires to do so.

This applicant has the appearance and physical characteristics of being descended from white parentage; black eyes; medium dark complexion; brown hair; does not speak or understand the Choctaw language, and has no knowledge of the complicity on the part of her ancestors with any of the provisions of article 14 of the treaty of 1830.

W. H. Martin being first duly sworn on oath states that as stenographer to the Commission to the Five Civilized Tribes he recorded the above proceedings on the 16th day of June, 1902, and that the foregoing is a full, true and correct transcript of his stenographic notes in the same.

W. H. Martin

Subscribed and sworn to before me this 26th day of June, 1902.

Chas. H. Wood
Notary Public.

Muskogee, Indian Territory, October 14, 1902.

Addie Fisher,
Hillstere, Texas.

Dear Madam:

You are hereby advised that on the 14th day of October, 1902, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Nancy Atkinson et al., embracing the following applications for identification as Mississippi Choctaws:

Nancy Atkinson,	M C R 5823,
Mary Swinnea,	M C R 5824,
Addie Fisher,	M C R 5830,
John T. Swinnea,	M C R 5928,
Thomas R. Welch,	M C R 5868,
Hannie Jones et al.,	M C R 5825,
Jimmie Elizabeth Burner,	M C R 5826,
Anna B. Richards et al.,	M C R 5867,
Fannie Roberts et al.,	M C R 5827,
Alonso Atkinson,	M C R 5828,
Addie Atkinson,	M C R 5829.

These applications were made under the provision of the act of Congress of June 20, 1900 (30 Stat., 496) which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-

A 7 8

seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto and make report to the Secretary of the Interior."

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Nancy Atkinson, Mary Swinnea, Addie Fisher, John T. Swinnea, Thomas R. Welch, Fannie Jones, Marcella Jones, Jimmie Elizabeth Burner, Anna B. Richards, Elwood Richards, Edna Richards, Sidney Lee Richards, Annie Richards, Ruth Richards, Colma Richards, Fannie Roberts, Henry Russell Roberts, Alonso Atkinson and Addie Atkinson as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the applications for their identification as such should be refused, and it is so ordered."

You are further advised that you will be allowed fifteen days from the date hereof within which to file arguments in this office, and that at the expiration of said time the papers in the case, together with such arguments, will be forwarded for review to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

(S'G')

Commissioner in Charge.

Registered.

COPY.

M.C.E. 8830

Muskogee, Indian Territory, December 8, 1902.

Addie Fisher,

Hillsboro, Texas.

Dear Madam:

You are hereby notified that on the 26th day of November, 1902, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Nancy Atkinson, et al., of which decision you were advised by registered mail on the 14th day of October, 1902.

By direction of the Secretary of the Interior, the principal applicant in this case (Nancy Atkinson, of Hillsboro, Texas) has this day been furnished a copy of his letter affirming the decision of the Commission, and also a copy of the letter of the Commissioner of Indian Affairs reporting thereon.

Respectfully,

Acting Chairman.

No. 5830

For Identification as a Mississippi Choctaw.

Date JUN 16 1902

Name Addie Fisher -

Age 27 Blood 1/32

Post-Office, Hattiesburg, Tex.

Father: Kenny Swineea, C.

Mother: Mary " C.

Claims through mother
husband Will Fisher, C. as
his claim for land

~~Children:~~

claims for self
alone

Choctaw MCR 5831

James A. McDaniel

See MCR 221

MCR 5831

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., June 18, 1902.

Page 1.

In the matter of the application of James A. McDaniel for the identification of himself and his ten minor children, Hubbard, Lamar, Martha, Emma, Ed, Sam, Paula, Bess, Glee, and Bailey McDaniel, as Mississippi Choctaws.

Thomas A. Harrison, Attorneys for applicants.

James A. McDaniel being first duly sworn testifies as follows:

Examination by the Commission:

- Q What is your name? A James A. McDaniel.
Q What is your age? A Forty-two.
Q What is your post-office address? A McLoud, Oklahoma.
Q How long have you lived in McLoud? A Near three years.
Q Where did you live before that? A In Texas.
Q Were you born in Texas? A No sir.
Q Where were you born? A In Mississippi.
Q Where in Mississippi were you born? A Kosciusko, Mississippi.
Q Now, you lived there how long? A I don't know, we moved out of town during the war; when we left the state I was ten years old.
Q And then you went where? A To Texas.
Q And lived in Texas until you went to Oklahoma? A Lived in Texas until I went to the Indian Territory.
Q How long did you live in the Indian Territory? A Went from Texas to the Indian Territory in '88 and lived there until '98, six years, then went back to Texas and came from Texas to Oklahoma.
Q And you have lived in Oklahoma how long? A Well I will say two years and a half.
Q But went from the Territory in 1898 to Texas? A Went back to Texas in '98 came back to Oklahoma in '99 and have lived there since.
Q Is your father living? A He is dead.
Q Is your mother living or dead? A Dead.
Q Through whom do you claim your Choctaw blood? A Father.
Q What was your father's name? A Jacob's I. McDaniel.
Q What was your mother's name? A Mary A. McDaniel.
Q How many children have you since? A Well, my grandchildren, my father had four children, and of those children the two oldest, I think, passed away when they were young.
Q And back to the subject, A Well, I don't want to talk at present I want to go right on with the facts of my life.

- Q Has your father ever been recognized or enrolled as a member of the Choctaw tribe of Indians by the Choctaw tribal authorities or the United States authorities in the Indian Territory?
A Not that I know of.
- Q Have you the proof of the marriage of your father and mother here at this time? A No sir, I have the dates.
- Q When were your father and mother married? A In 1858.
- Q What day of the month and year? A The 26th of December.
- Q By a Minister under a license? A Yes sir, T. L. Scarbrough at Kosciusko, Mississippi.
- Q Can you get the proof of that marriage if allowed a little time? A Yes sir, I think so.

This applicant is allowed until the first day of July, 1902, in which to file the proof of this marriage, as well as any other proper testimony in support of this application.

- Q Are you married? A Yes sir.
- Q What is your wife's name? A Mattie McDaniel.
- Q Is she a white woman and living? A Yes sir.
- Q Do you make any claim for her as a Choctaw Indian? A No sir.
- Q Have you any children under age and unmarried? A Yes sir, ten.
- Q All under age and unmarried? A Yes sir.
- Q Give me the name of the oldest? A Hubbard McDaniel.
- Q How old is Hubbard? A Eighteen years old.
- Q The next? A Lamar McDaniel.
- Q How old is Lamar? A Sixteen years old.
- Q The next? A Martha McDaniel, fourteen years old.
- Q Next? A Emma McDaniel.
- Q How old is Emma? A Twelve years old.
- Q The next? A Goli McDaniel.
- Q How old? Ten years old.
- Q The next? A Goli McDaniel, ten years old, they are twins.
- Q Are Goli and Goli boys? A Yes sir.
- Q Is Lamar a boy? A Yes sir.
- Q The next? A Beula McDaniel, a girl.
- Q How old is she? A Six years old.
- Q The next Emma McDaniel, a girl.
- Q How old? A Six years old, twins.
- Q The next? A Glee McDaniel, a girl, three years old.
- Q The next? A Bailey McDaniel, one year old.
- Q Is that all? A Yes sir.
- Q Is Mattie McDaniel the mother of these children? A Yes sir.
- Q Is your wife and are your children living with you at your home? A Yes sir.
- Q Were either you or your wife married before you married each other? A No sir.
- Q When were you married to your wife, Mattie McDaniel? A In 1882.
- Q Where? A Robinson County, Texas.
- Q What day of the month? A The 8th of October, I believe.
- Q By a Minister under a license? A Yes sir.
- Q Have you the proof of that marriage with you now? A No sir, I have not; I have there on record in the County.
- Q You can produce that within a reasonable time can you? A I suppose so by writing for it.
- Q Is your name or the name of any of these children on any of tribal rolls of the Choctaw Nation in the Indian Territory? A No sir.
- Q Have you ever made application for citizenship in the Choctaw Nation for yourself and children to the Choctaw tribal authorities?

- ties? A No sir, not that I know of.
- Q Have you ever made a plication for citizenship in the Choctaw Nation for yourself and children to the Dawes Commission under the act of Congress of June 10, 1896? A No sir.
- Q Have you ever before this time made application to be enrolled as a member of the Choctaw tribe for yourself and children to either the Choctaw tribal authorities or the United States authorities in the Indian Territory? A No sir, I have not personally.
- Q Have you ever been admitted with your children to citizenship in the Choctaw Nation by the Choctaw tribal authorities, the Commission to the Five Civilized Tribes or the United States Court in the Indian Territory? A No sir.
- Q Do you now come before the Commission to be identified and to identify these children as Mississippi Choctaws claiming under article fourteen of the treaty of 1830? A Yes sir.
- Q Do you understand that treaty, or article fourteen of that treaty? A I may not understand it thoroughly; I have had it explained, but I,
- Q Do you want it explained further? A I would not object to it.

The treaty of 1830 was a treaty made between the United States government and the Choctaw Indians who lived in the state of Mississippi, and a little of the Nation lying in the state of Alabama, on the 27th day of September, 1830, that being the day this treaty was signed; the treaty was made for the purpose of removing the Choctaw Indians as far as practicable who lived in the old Choctaw Nation east of the Mississippi river from that old Nation to the Choctaw Nation, Indian Territory. The object the government sought to attain by removing the Indians was to give them a better opportunity to exercise their tribal laws, customs and usages in a territory belonging to the United States and not to any individual states, because the principles of state rights encroached upon the rights these Indians claimed as wards of the government. The treaty of 1830 was signed on the 27th day of September, 1830, but before it was signed it became known that a good many Choctaw Indians would not go to the Choctaw Nation, Indian Territory, under the treaty, and in order to protect the interests of those Indians who stayed back in the old Choctaw Nation article fourteen was drafted and put into the treaty, which was then signed and afterwards ratified on the 24th day of February, 1831. Now that article which was put into the treaty of 1830 is as follows:

"ARTICLE XIV. Each Choctaw head of a family being desirous to remain and become a citizen of the states shall be permitted to do so, by signifying his intention to the Agent within six months from the ratification of this treaty, and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land, to be bounded by sectional lines of survey; in like manner shall be entitled to one half that quantity for each unmarried child which is living with him over ten years of age, and a quarter section to such child as may be under ten years of age, to adjoin the location of the parent. If they reside upon said lands in-

tending to become citizens of the states for five years after the ratification of this treaty, in that case, a grant in fee simple shall issue; said reservation shall include the present improvement of the head of the family, or a portion of it. Persons who claim under this article shall not lose the privilege of a Choctaw citizen, but if they ever remove are not entitled to any portion of the Choctaw annuity."

- Q Do you know if any of your Choctaw ancestors complied or attempted to comply in any way with article fourteen of the treaty of 1830? A I don't know myself positively.
- Q You understand that article now don't you? A Yes sir.
- Q What is the name of your ancestor through whom you claim your right to be identified as a Mississippi Choctaw; I mean going back to your grandfather, grandmother, great grandfather or great grandmother? A My father's mother is as far back as I know, my grandmother.
- Q What was her name? A Sophia McDaniel.
- Q She married whom? A She married Allen McDaniel.
- Q A white man? A Yes sir.
- Q Her maiden name was what? A Sophia Williams.
- Q She had how much Choctaw blood? A Well, I have understood, there has been some difference of opinion, I have understood she was a half breed; some claim she was a fourth.
- Q What do you claim? A According to my understanding she was a half breed; my father has always claimed that.
- Q Did she live in Mississippi or Alabama? A She lived in Mississippi, Alabama and Georgia.
- Q Where did she live in 1830? A In Mississippi.
- Q Was she married and living in Mississippi in 1830? A Yes sir, let me see, yes I think she was.
- Q Did she have any children there then? A Yes sir, my father was born in Georgia, but she was living at that time in Mississippi.
- Q Did she have any children born to her in Mississippi in 1830, or any time previous to that? A I don't think she had any born previous to that in Mississippi, but after that I think she did, I am not sure; I know there were some there then, my father and some older.
- Q That is your grandmother? A Yes sir.
- Q Did she have a Choctaw Indian name? A I don't know.
- Q Did she speak the Choctaw language? A Yes sir she spoke the Choctaw language.
- Q How do you know she did? A I have heard those that knew her say so; I do not know myself, for she died before I was old enough to remember, but my father spoke some Choctaw, and he told me she spoke the language, and I have heard white people and Indians both say so.
- Q People in Mississippi told you that? A No sir, people here in the Nation.
- Q Where were you born? A In Mississippi.
- Q Was your father born in Mississippi? A Georgia.
- Q But you left Mississippi when you were a small boy? A I was about nine years old.

- Q Did any of your Choctaw ancestors own any land or claim any land in Mississippi or Alabama in the old Choctaw Nation under article fourteen of the treaty of 1830? A I can not tell you.
- Q Did any of your Choctaw ancestors within six months after the ratification of the treaty of 1830, go to the United States Indian Agent, Colonel Ward, and tell him that they wanted to stay in Mississippi, take land there and become citizens of the states? A I can not tell you that.
- Q Did any of your Choctaw ancestors own any improvements on land in the old Choctaw Nation in Mississippi or Alabama in 1830? Such as houses, out-buildings, fencing, or any other improvements? A I can not tell you.
- Q Did any of them go from that old Choctaw Nation east of the Mississippi river to the Choctaw Nation, Indian Territory, with the other Indians between 1833 and 1836 or 1840? A I suppose so.
- Q Do you know whether any of your ancestors did, in a direct line back? A No I don't know, I can not tell you.

The Choctaw Indians who stayed in Mississippi and Alabama in the old Choctaw Nation after the treaty of 1830 was ratified were required if they wanted to take advantage of article fourteen of that treaty to go to the United States Indian Agent, Colonel Ward, within six months after the ratification of that treaty, and tell him that they wanted to stay in Mississippi, take land there and become citizens of the states. A great many Choctaw Indians did this whose names Col. Ward neglected to put upon his list, known as "Ward's Register". His failure to put their names on that list caused a great many Choctaw Indians to lose their lands and improvements which they held in the old Choctaw Nation, both being taken from them by the government and sold at its public land sales. This caused so many complaints among the Indians that in 1837 by an act of Congress approved March 3rd of that year, Congress appointed a Commission which went to Mississippi and heard claimants under article fourteen of the treaty of 1830. In 1842 another Commission was appointed for the same purpose under an act of Congress approved August 23rd of that year, which Commission also went to Mississippi and heard claimants under article fourteen of the treaty of 1830.

- Q Did any of your Choctaw ancestors go before either of these two Commissions and claim any benefits under article fourteen of the treaty of 1830? A I can not tell you whether they did or not.
- Q Did any of your Choctaw ancestors receive any script from the government which entitled them to select land in Mississippi, Alabama, Louisiana, or Arkansas? A I don't know.

This script was issued under an act of Congress approved August 23rd, 1842, and was given to those Choctaw Indians who proved their right under article fourteen of the treaty of 1830, and also proved that the government had taken their land in the old Choctaw Nation in Mississippi or Alabama and sold it.

- Q You never heard anything them receiving anything of that kind? A No sir.
- Q Are there any relatives of yours who have been before the Com-

mission to be identified as Mississippi Choctaws? A Yes sir.
 Q Who are they? A Ellen Hughes, I don't know if they have been here.
 Q Claiming through the same common ancestor, Sophia? A Yes sir.

The case of Ellen Hughes, M. C. R. 821, is here referred to for the purpose of consolidation of these cases.

Q Do you speak or understand the Choctaw language? A No sir.
 Q You claim through Sophia McDaniel, who was Sophia Williams? A Yes sir.
 Q Allen McDaniel was a white man? A Yes sir.
 Q How much Choctaw blood did Sophia Williams have? A The way I have understood it she was one half, but of course some claim she was one fourth.
 Q How many children did Sophia Williams who married Allen McDaniel have? A They had twelve.
 Q Can you give me the names of all? A No sir, not all.
 Q Can you give any of them? A Yes sir, a few of them.
 Q Give me the names of those you remember? A My father was one of them; and John McDaniel; Joseph H. McDaniel; Augustus McDaniel; Allen McDaniel, Jr.; James McDaniel; Julius A. McDaniel.
 Q Did John McDaniel have any children? A Yes sir.
 Q Who did he marry? A He married Jane McKinley.
 Q A white woman? A Yes sir.

Q Whom did Joseph H. marry? A Mary A. Oldham.
 Q Whom did Augustus marry? A Emily McKinley.
 Q Who did Allen Jr., marry? A Addie McKinley, three of them married McKinley's.
 Q James married whom? A He was unmarried; he is dead, never was married.
 Q Whom did Julius A. marry? A Minerva Rogers.
 Q White woman? A Yes sir.
 Q The McKinley's are all white? A Yes sir.
 Q Mary Oldham too? A Yes sir.
 Q Can you give me the names of the children of John McDaniel? A He has three alive; Ophelia, she is married, she married a Williams, T. T. Williams.
 Q Is he a white man? A Yes sir.
 Q The next child? A John.
 Q Married? A Yes sir; his wife is dead, I don't know her name.
 Q The next? A Gussie, a girl.
 Q Is she married? A Yes sir.
 Q What is her husband's name? A R. Ayers.
 Q White man? A Yes sir.
 Q The next? A That's all.
 Q Did Joseph H. McDaniel have any children? A Yes sir.
 Q How many? A Five.
 Q What is the name of the oldest? A J. A. McDaniel.
 Q Whom did he marry? A Mattie Hughes.
 Q The next? A Sophia McDaniels, and she is dead, has one son.
 Q Whom did she marry? A G. R. Hughes.
 Q They have one son? A Yes sir.
 Q What is his name? A Willie Hughes.
 Q The next? A Nellie McDaniel.
 Q Did she marry a white man? A Yes sir, Will Hughes.
 Q Any children? A I don't know; I think she has.
 Q Is that all the children Joseph H. McDaniel had? A No sir, Jane McDaniel.

- Q Married whom? A Shelby, John Shelby.
- Q Did they have any children? A Yes sir, I don't know how many.
- Q Is that all? A No sir, Ellen McDaniel.
- Q Is she married? A Yes sir.
- Q Did she marry a Hughes too? A Yes sir.
- Q Who did Ellen McDaniel marry? A C. R. Hughes.
- Q Sophia McDaniel married C. R. Hughes, too? A Yes sir.
- Q Ellen McDaniel married him? A Yes sir, Sophia died and Ellen married him. And Ellen Hughes has four children.
- Q What are their names? A I don't know.
- Q Did Augustus have any children? A I don't know how many; he had three alive.
- Q Give their names? A Gallie McDaniel.
- Q Is she married? A Yes sir, Hart.
- Q Any other children? A Willie McDaniel, unmarried, Emma McDaniel.
- Q Married? A Yes sir, I don't know her husband's name.
- Q Any children? A No sir I think not.
- Q Did Allen Jr., have any children? A Yes sir.
- Q How many? A I don't know.
- Q Don't know anything about them? A Yes sir, I know some of them but don't know how many; Lillie McDaniel.
- Q Whose child is she? A Allen and Addie McDaniel.
- Q How many are there? A Eight I think.
- Q Now, I want the names of the children of Allen McDaniel, Jr., and Addie McKinley? A Lillie, unmarried.
- Q Next? A J. W. McDaniel, married.
- Q He married whom? A Nellie Waltemaire.
- Q Have they any children? A Yes sir, Archie Clyde and Tommy E. McDaniel.
- Q Now the next? A A. G. McDaniel.
- Q Whom did he marry? A Clara Durham.
- Q Now the next? A Z. T. McDaniel.
- Q Is he married? A Yes sir, I don't know his wife's name.
- Q Any children? A No sir, I think not.
- Q Any others? A Fessley McDaniel.
- Q Whom did he marry? A He is not married.
- Q The next? A Annie McDaniel.
- Q Whom did she married? A Nobody, not married, and Billy H., not married.
- Q Any others? A Yommie, a girl.
- Q Married? A No sir.
- Q Now the next? A That's all.
- Q These are the children of Allen W. McDaniel Jr., and Addie McKinley? A Yes sir.
- Q Now I want the children of Julius A., who married Minerva Rogers, do you know them? A Part of them, I don't know all.
- Q How many have they that you know? A George McDaniel, Maggie McDaniel, she is married, John Garley.
- Q Is George McDaniel married? A No sir. Maggie has one child.
- Q Do you know any more children of Julius? A Minnie.
- Q Whom did she marry? A She is not married, I don't think.
- Q Any others? A Cora McDaniel.
- Q Whom did Cora marry? A I don't know myself.
- Q Do you know she married anybody? A I can not say whether she is married or not.
- Q Any others? A Yes, there is Grant and Sam, I believe. That's all.

- Q Either of them married? A No sir.
 Q Is that all of these children? A Yes sir.
 Q That is all you can remember? A Yes sir.
 Q Do you speak the Choctaw language? A No sir.

By Mr. Harrison, attorney for applicant:

- Q If you have ever heard your father or any member of your family say anything about your family history, and particularly with reference to your grandmother, Sophia McDaniel, being a Choctaw Indian and living in Mississippi tell all that you may remember having heard in your family as a part of your family history and tradition? A Well, that is all I know, is what I have heard.
- Q Did you ever hear that your grandmother was Indian? A I believe she was Indian from what my father and mother said.
- Q Do you remember any circumstance or any particular thing that was said about it that fixes that belief in your mind? A Yes, ever since I can remember I have heard my father say he was Indian, and heard him speak a language he called Indian, while I could not speak the language myself, I used to try to learn some words.
- Q Did you ever hear him say anything about your grandmother speaking the Choctaw language? A Yes, I have heard him say she spoke the Choctaw language, and stayed among the Indians a good deal and spoke the Choctaw language; but I don't know, its only what he has said.
- Q Did you ever see your grandmother? A No sir, I don't remember ever seeing her.
- Q Do you remember what was said if anything in your family about the physical appearance or features of your grandmother? A They all claimed that she had the features of an Indian, that is my father and others, and people who lived in Mississippi that knew them claimed she had the features of an Indian.
- Q Did you ever hear any of your family say anything about your grandmother or any of your Indian ancestors being entitled to land in Mississippi about 1830, as a Choctaw Indian? A No sir, I don't know that I have.
- Q Did you ever hear any conversation by your father or any other member of your family with reference to your grandmother having claimed any land as a Mississippi Choctaw? A No sir.
- Q Did you ever hear them say anything about the treaties made by the government with the Choctaw Indians by or through which the Indians were brought to this country? A Yes, I have heard my father speak of the treaties and the moving here of the Indians.
- Q Where were they then? A They were in Itasca County, Mississippi.
- Q Now is there anything that you have not stated to the Commission relative to your family history that you want to say? A I have heard my father say when they were living in Mississippi they came to my grandmother, the parties that were getting them together to bring here west of the Mississippi, they came to them and tried to get them to come on with them, but they had lived there and had friends and had lived there so long that they did not want to go west to the wilderness, and did not

- come west at that time. That is what I have heard my father say often in regard to the treaty, and they would not come.
- Q That there was an effort made by those Indians to get them to come with them to this country? A Yes, the Indian it seems came to him, or the agent or something.
- Q That is a part of your family history and tradition, and you became acquainted with it through your family history? A Yes sir, and often my father tried to get me to come here with him to claim his right; he knew a great many Indians here himself.
- Q When was that? A That was in the seventies some time.
- Q Where were you then living? A In Texas at that time.
- Q Your father lived in Texas at that time? A Yes sir, I was the oldest son and he was old and depended a great deal on me, and told me if I would come to the Nation he would come and go: his right; that he would have no trouble, he had a great acquaintance and relatives, and since that time he died and they died, the most of them.
- Q Is there anything else you wish to say or that you would like to suggest for me to ask? A I don't remember anything more now.

By the Commission:

This applicant has the appearance and physical characteristics of being descended from white parentage; blue eyes, brown hair, light brown mustache, medium dark complexion, somewhat tanned by the sun; he does not understand or speak the Choctaw language, and has no knowledge of the compliance on the part of his ancestors with any of the provisions of article fourteen of the treaty of 1850.

W B Martin being first duly sworn on oath states that as stenographer to the Commission to the Five Civilized Tribes he recorded the above proceedings on the 16th day of June 1904 and that the foregoing is a full true and correct transcript of his stenographic notes in the same.

W B Martin

Subscribed and sworn to before me this 17th day of June 1904

Charles H. Sawyer

Notary Public.

M.C.R. 5831.

COPY.

Muskogee, Indian Territory, August 7, 1902.

James A. McDaniel,
McLoud, Oklahoma.

Dear Sir:

You are hereby advised that on the 7th day of August, 1902, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Ellen Hughes, et al., embracing the following applications for identification as Mississippi Choctaws:

Ellen Hughes, et al.,	M.C.R. 221
James A. McDaniel, et al.,	" 5831
James W. McDaniel, et al.	" 5832.

These applications were made under the provision of the act of Congress of June 22, 1898 (30 Stat., 495) which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto, and make report to the Secretary of the Interior."

Said decision concludes as follows:

"It is, therefore, the opinion of this Commission that the evidence herein is insufficient to determine the identity of Ellen Hughes, Emily Hughes, Arthur Hughes, Stella Hughes, Willey Hughes, James A. McDaniel, Hubbard McDaniel, Lamar McDaniel, Martha McDaniel, Emma McDaniel, Geo McDaniel, Geo McDaniel, Beula McDaniel, Buna McDaniel, Otha McDaniel, Willey McDaniel, James W. McDaniel, Archie

72.

Clyde McDaniel and Tommy E. McDaniel as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the applications for their identification as such should be refused, and it is so ordered."

You are further advised that the Commission has on this date forwarded the record in this case to the Secretary of the Interior for review and you will be informed in due time of such action as may be taken by him.

Yours truly,

(SIGNED)

Tamm Dixey.

Acting Chairman.

Registered.

M.C.R. 5821

Muskogee, Indian Territory, October 29, 1902.

James A. McDaniel,

McLoud, Oklahoma.

Dear Sir:

You are hereby advised that on the 17th day of October, 1902, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Ellen Hughes, et al.; of which decision you were advised by registered mail on the 7th day of August, 1902.

Respectfully,

(SIGNED)

Edmund Kirby.

Acting Chairman.

No. + 5831+

For Identification as a Mississippi Choctaw.

Date JUN 16 1902

Name James A. McDaniel +

Age 42 - Blood 1/8

Post-Office, McLeod, Okla.

Father: Joseph H. McDaniel, d.

Mother: Mary A. " d.

Claims through wife father —

Mattie McDaniel, luv
McDaniel for wife —

Children: Hubbard McDaniel 18

Lamar " 16

Martha " 14

Emma " 12

Est Col { M. (10

Conn { M. (10

Beula { " (F) (6

Buna { " (F) (6

Glea- " (F) 3

Bailey " (M) 1

Claims for self &

McDaniel & McDaniel

Choctaw MCR 5832

James W. McDaniel

See MCR 221

MCR 5832

Department of the Interior,
Commission to the Five Civilized Tribes.
Muskogee, I. T., June 18, 1903.

#5832.

In the matter of the application of James W. McDaniel for the identification of himself and his two minor children, Archie Clyde and Tommy E. McDaniel, as Mississippi Choctaws.

Thomas & Harrison, attorneys for applicants.

James W. McDaniel being first duly sworn testifies as follows:

Examination by the Commission.

- Q What is your name? A James W. McDaniel.
Q What is your age? A Thirty-six.
Q What is your post-office address? A Shawnee, Oklahoma.
Q How long have you lived at Shawnee? A Seven years.
Q Where did you live before that? A In the Chickasaw Nation.
Q How long in the Chickasaw Nation? A Off and on for about seven years.
Q Where did you live before that? A In Texas.
Q Where were you born? A In Limestone County, Texas.
Q Is your father living? A Yes sir.
Q Is your mother living? A No sir.
Q What is your father's name? A Allen W. McDaniel.
Q What was your mother's name? A Addie McDaniel, and Addie McKinley before she married.
Q You claim through whom, father or mother? A My father.
Q How much Choctaw blood do you claim? A About as near as I can get at it one-eighth.
Q Has your father ever been recognized or enrolled as a member of the Choctaw tribe of Indians in the Indian Territory by the Choctaw tribal authorities or the United States authorities in the Indian Territory? A No sir.
Q When and where were your father and mother married? A I can not tell you.
Q Were they married by a minister under a license? A Yes sir.
Q The minister? A Yes sir.
Q How far the west of that marriage with you now? A It is recorded in the book at Muskogee, I. T.
Q For what purpose, and for how long the first day of your life given that time? A I don't know, for how long.

This affidavit of James W. McDaniel, and his two minor children, Archie Clyde and Tommy E. McDaniel, was taken at Muskogee, I. T., June 18, 1903, in presence of the undersigned, and the same is hereby certified to.

this application.

- Q Are you married? A Yes sir.
Q What is your wife's name? A Nellie McDaniel.
Q Is she living? A Yes sir.
Q Is she a white woman or Choctaw? A She is a white woman.
Q Do you make any claim for her? A No sir.
Q Have you any children you want to make application for? A Two.
Q What is the name of the oldest? A Archie Clyde McDaniel.
Q How old is Archie Clyde? A Born in September, 1906, about one year and nine months.
Q What is the name of the next? A Tommy E. McDaniel.
Q A boy? A Yes sir.
Q How old is he? A Born December 2, 1901.
Q How many months do you make it? A Six and a half months about.
Q That is all the children is it? A Yes sir.
Q You claim for yourself and these children? A Yes sir.
Q Is Nellie McDaniel the mother of these children? A Yes sir.
Q Are she and these children living with you at your home? A Yes sir.
Q When and where were you married to your wife, Nellie? A Near Shawnee, Oklahoma, December 10, 1899.
Q By a Minister under a license? A By a Justice of the Peace under a license.
Q Have you the proof of your marriage with you now? A No sir.

It will be necessary for you to show the legal marriage to your wife to support the claim for your children.

- Q Is your name on any of the tribal rolls of the Choctaw Nation in the Indian Territory? A No sir.
Q Have you ever made application for citizenship in the Choctaw Nation to the Choctaw tribal authorities in the Indian Territory? A No sir.
Q Have you ever made application for citizenship in the Choctaw Nation to the United States Commission to the Five Civilized Tribes under the act of Congress of June 10, 1896? A No sir.
Q Have you ever been admitted to citizenship in the Choctaw Nation with your children by either the Choctaw tribal authorities, the Commission to the Five Civilized Tribes or the United States Court in the Indian Territory? A No sir.
Q Is James A. McDaniel your brother? A A cousin.
Q What relation is Ellen Hughes to you? A A cousin.
Q Do you want to have your case consolidated with and made a part of that case?

Mr. Harrison, attorney for applicant: Yes, with the explanation in the other case it may be referred to and consolidated.

The case of Ellen Hughes, M C R 321, is here referred to for the purpose of consolidation, and time is given this applicant until the first day of July in which to introduce any other proper evidence in support of this application.

- Q Is this the first application you have ever made of any description to any authority whatever for citizenship in the Choctaw Nation for yourself and children? A Yes sir.

- Q Do you now come before the Commission to identify yourself and these children as Mississippi Choctaws, claiming under article fourteen of the treaty of 1830? A Yes sir.
- Q Do you understand that article of that treaty? A I don't know that I do.

The treaty of 1830 was made between the United States government and the Choctaw Indians at a place in Mississippi called Dancing Rabbit Creek on the 27th day of September, 1830. The object of the treaty was to remove as far as possible all of the Choctaw Indians who lived in the old Choctaw Nation to the Choctaw Nation, Indian Territory. Before that treaty was signed it became known that a good many of the Choctaw Indians would not go to the Choctaw Nation, Indian Territory, and therefore in order to protect the interests of those Indians who stayed back in the old Choctaw Nation article fourteen was put into the treaty; that article was for the especial protection and benefit of the Mississippi Choctaws, and reads as follows:

"ARTICLE XIV. Each Choctaw head of a family being desirous to remain and become a citizen of the states shall be permitted to do so by signifying his intention to the Agent within six months from the ratification of this treaty, and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land, to be bounded by sectional lines of survey; in like manner shall be entitled to one half that quantity for each unmarried child which is living with him over the age of ten years, and a quarter section to such child as may be under ten years of age, to adjoin the location of the parent. If they reside upon said lands intending to become citizens of the states for five years after the ratification of this treaty, in that case, a grant in fee simple shall issue; said reservation shall include the present improvement of the head of the family, or a portion of it. Persons who claim under this article shall not lose the privilege of a Choctaw citizen, but if they ever remove are not entitled to any portion of the Choctaw annuity."

- Q Did any of your Choctaw ancestors comply or attempt to comply in any way with any of the provisions of that article of that treaty? A Not that I know of.
- Q What is the name of your ancestor through whom you claim your right to be identified as a Mississippi Choctaw? A Joseph R. McDaniel.
- Q Do you go back to Sophia McDaniel? A Yes sir, my grandmother was Sophia McDaniel, Sophia Williams was her maiden name.
- Q And she married whom? A Allen McDaniel.
- Q Was Allen McDaniel a white man? A Yes sir.
- Q Was Sophia Williams an Indian? A Yes sir.
- Q How much Choctaw blood did she have, if she was Choctaw? A As well as I know she was one half.
- Q Choctaw or Seminole? A Choctaw.
- Q What relation was she to you? A My grandmother.

- Q Did she live in Mississippi or Alabama at any time? A In Mississippi as well as I remember.
- Q Did she live in Mississippi in 1830? A I can not tell you.
- Q Can you give the name of any ancestor of yours of Choctaw blood who did live in Mississippi or Alabama in 1830? A No sir I can not.
- Q Do you know whether she or any other Choctaw ancestor of yours was the head of a family in that state or in the old Choctaw Nation in 1830? A I can not say.
- Q How old would she be if living now? A I do not know.
- Q You claim your Choctaw blood through your father? A Yes sir.
- Q Did he live in Mississippi or Alabama at any time? A Yes sir in Mississippi.
- Q How old is he now? A 67 years old.
- Q Has he ever been before the Commission to be identified as a Mississippi Choctaw? A No sir.
- Q Was he born in Mississippi? A I can not tell you.
- Q How much of his life did he live there? A I don't know.
- Q He claimed through which parent, father or mother? A Mother.
- Q What was her name? A Sophia Williams.
- Q Who married Allen McDaniel, and who was the mother of Allen W McDaniel, your father? A Yes sir.
- Q And he is sixty-seven years old? A Yes sir.
- Q Did any of your Choctaw ancestors own any land or claim any land in the old Choctaw Nation in Mississippi or Alabama under article fourteen of the treaty of 1830? A I do not know.
- Q Did any of your Choctaw ancestors own any improvements on land in the old Choctaw Nation in Mississippi or Alabama in 1830? A I don't know.
- Q Did any of your Choctaw ancestors within six months after the ratification of the treaty of 1830 go to the United States Indian Agent, Colonel Ward, and tell him that they wanted to stay in Mississippi, take land there and become citizens of the states? A I don't know.
- Q Did any of your Choctaw ancestors go from that old Choctaw Nation east of the Mississippi river to the Choctaw Nation, Indian Territory, with the other Indians between 1833 and 1835 or 1840? A I don't know.

The Choctaw Indians who remained back in the old Choctaw Nation after the treaty of 1830 was ratified, refusing to go to the Choctaw Nation, Indian Territory, under the treaty of 1830, were required if they wanted to take advantage of article fourteen of that treaty, to go to Colonel Ward, United States Indian Agent, within six months after the ratification of that treaty, or within six months after the 24th day of February, 1831, and tell him that they wanted to stay in Mississippi, take land there and become citizens of the states. A great many Choctaw Indians did this whose names Colonel Ward neglected to put upon his list, known as "Ward's Register"; his failure to do this caused a good many of the Indians to lose their lands and improvements upon the land, because both were taken from them by the government and sold at its public land sales. This caused so many complaints among the Indians that in 1837 by an act of Congress approved March 2nd, of that year, a Commission was appointed by Congress which went to Missis-

1901 and heard claimants under article fourteen of the treaty of 1830, and in 1848 another Commission was appointed under an act of Congress approved August 23rd of that year; this Commission also went to Mississippi and heard claimants under that article of that treaty.

- Q Do you know whether any of your Choctaw ancestors went before either of these two Commissions, that of 1837 or that of 1848, and claimed an benefits under article fourteen of the treaty of 1830? A No sir, I do not.
- Q Did any of your Choctaw ancestors receive any script from the government which entitled them to select land either in Mississippi, Alabama, Louisiana or Arkansas? A I don't know.

This script was issued under an act of Congress of August 23rd, 1848, and was given to those Choctaw Indians who proved their claim under article fourteen of the treaty of 1830, and also proved that they had formerly held land in the old Choctaw Nation which had been taken from them by the government and sold.

- Q Do you speak the Choctaw language? A No sir.

By Mr. Harrison, attorney for applicant:

- Q Do you remember having heard any conversation in your family by the older members thereof with reference to your grandmother who lived in Mississippi in the old days in which your grandmother was thought to be and claimed to be a Choctaw Indian? A Yes sir, I have frequently heard my uncles, Joe and John, talking with my father, insisting on him coming to the Territory and proving up their right.
- Q Upon what ground, did they give any reason why they thought your father had a right here? A Only on their mother's side, my grandmother.
- Q Do you remember anything that was said particularly? A Nothing more than they told my father several times that anybody could look at grandmother McDaniel and tell she had Indian blood.
- Q What tribe did they have reference to? A The Choctaw tribe.
- Q Do you remember what state your grandmother is said to have lived in? A She is said to have lived in Mississippi.
- Q Now, do you remember when? A No sir.
- Q Is that the extent of your knowledge of the family history and tradition from your grandmother on down? A Yes sir.
- Q Is there anything further you would like to say in this case or that you would like to have me say for you by way of suggestion? A I believe not; that is all my evidence I have of my Indian blood, is conversations between father and mother.

By the Commission:

This applicant has the appearance and physical characteristics of being descended from white parents.

gray eyes; dark hair, dark brown mustache, dark complexion, now somewhat tanned by the sun; does not understand the Choctaw language and has no knowledge of the compliance on the part of his ancestors with any of the provisions of article fourteen of the treaty of 1830.

W H Martin being first duly sworn on oath states that as stenographer to the Commission to the Five Civilized Tribes he recorded the above proceedings on the 16th day of June, 1902, and that the foregoing is a full, true and correct transcript of his stenographic notes in the same.

W H Martin

Subscribed and sworn to before me this 17th day of June, 1902.

Charles H. Sawyer

Notary Public.

COPY.

M.C.R. 5832.

Muskogee, Indian Territory, August 7, 1902.

James W. McDaniel,

Shawnee, Oklahoma.

Dear Sir:

You are hereby advised that on the 7th day of August, 1902, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Ellen Hughes, et al., embracing the following applications for identification as Mississippi Choctaws:

Ellen Hughes, et al.,	M.C.R.	221
James A. McDaniel, et al.,	"	5831
James W. McDaniel, et al.,	"	5832.

These applications were made under the provision of the act of Congress of June 25, 1895 (30 Stats., 495) which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto, and make report to the Secretary of the Interior."

Said decision concluded as follows:

"It is, therefore, the opinion of this that the evidence herein is insufficient to determine the identity of Ellen Hughes."

#2.

Baily Hughes, Arthur Hughes, Stella Hughes, Willey Hughes, James A. McDaniel, Hubbard McDaniel, Lamar McDaniel, Martha McDaniel, Emma McDaniel, Col McDaniel, Com McDaniel, Beula McDaniel, Buna McDaniel, Cleo McDaniel, Bailey McDaniel, James W. McDaniel, Archie Clyde McDaniel and Tommy E. McDaniel as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the applications for their identification as such should be refused, and it is so ordered."

You are further advised that the Commission has on this date forwarded the record in this case to the Secretary of the Interior for review and you will be informed in due time of such action as may be taken by him.

Yours truly,

(SIGNED)

Tamc Ditty
Acting Chairman.

Registered.

COMMISSIONERS
HENRY L. DAWES,
TAMM BIXBY,
THOMAS B. NEEDLES,
C. R. BRECKINRIDGE.

ALLISON L. AYLESWORTH
SECRETARY

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

REFER IN REPLY TO THE FOLLOWING

K.C.R. 5832

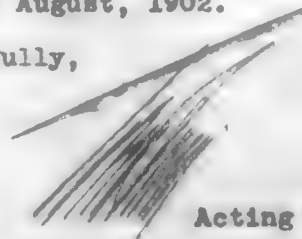
Muskogee, Indian Territory, October 29, 1902.

James W. McDaniel,
Shawnee, Oklahoma.

Dear Sir:

You are hereby advised that on the 17th day of October, 1902, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Ellen Hughes, et al.; of which decision you were advised by registered mail on the 7th day of August, 1902.

Respectfully,



Acting Chairman.

No. 5832

For Identification as a Mississippi Choctaw.

JUN 16 1902

Date

Name James W. McDaniel,

Age ~~27~~ 36 Blood 1/8

Post-Office, Shawnee, Okla -

Father: Allen W. McDaniel l.

Mother: Addie - " d.

Claims through father -
wife, Nellie McDaniel l. w.
No claim for wife -

Children:

1 yr. 9 m.

Archie Clyde McDaniel
Tommy E. " M 6 1/2 m

Claims for self
& children -

5832



DEPARTMENT OF THE INTERIOR
COMMISSIONER OF THE BUREAU OF MINES
WASHINGTON, D. C.

FEB 10 1903

[Signature]
ACTING CHAIRMAN

I.S.

RECEIVED
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1907
J. B. Danford,
Shawnee, Oklahoma.
WRITER

Department of the Interior

Commission to the Five Civilized Tribes

MUSKOGEE, IND. TER.

OFFICIAL BUSINESS.

Penalty for private use, \$300.

5832

Rec'd

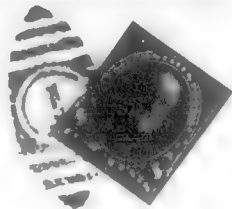
DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

FILED

SEP 23 1902



ACTING CHAIRMAN



Department of the Interior.

Commission to the Five Civilized Tribes,

MUSKOGEE, IND. TER.

OFFICIAL BUSINESS.

Penalty for private use, \$300.

496
James W. McDaniel, 1331
Shawnee

Oklahoma.

Choctaw MCR 5833

Mary F. Tackett

See MCR 5835

MCR 5833

Department of the Interior.
Commission to the Five Civilized Tribes.
Muskegee, I.T. June 17, 1902.

5833

In the matter of the application for identification as Mississippi Choctaws of Mary Frances Tackett, for herself, her two minor children, Jewel Duen and DeWitt Tackett, and her minor brother Lemuel E. Wilson.

B. S. Johnson, attorney for applicants.

Mary Frances Tackett being first duly sworn testifies as follows:

-Examination by the Commission:-

- Q What is your name? A Mary Frances Tackett.
Q What is your age? A Thirty-four.
Q What is your post office address? A Hillsboro, Texas.
Q How long have you lived at Hillsboro? A Twenty-five years.
Q Where did you live before that? A Arkansas.
Q Were you born in Arkansas? A Yes, sir.
Q What place in Arkansas? A Benton County.
Q Is your father living? A No, sir.
Q Is your mother living? A Yes, sir.
Q What was your father's name? A Michael Wilson.
Q What is your mother's name? A Martha T. Wilson.
Q Through which parent do you claim Choctaw blood? A Through my father.
Q How much Choctaw blood do you claim? A One-eighth. --Do you mean me or my father?
Q Yes? A One-sixteenth.
Q Has your father ever been recognized in any way or enrolled as a member of the Choctaw tribe of Indians by the Choctaw tribal authorities or the United States authorities in Indian Territory? A No, sir.
Q Have you proof of the marriage of your father and mother with you now? A No, sir.
Q You know when and where they were married? A Yes; Bentonville, Benton County, Arkansas.
Q What day and year? A I don't know they were married in '87.
Q Were they married by a minister and under a license? A Yes, sir.
Q Are you married? A I am a widow.
Q Have you any children that you want to make application for? A I have two.
Q What was the name of their father, your husband? A B. G. Tackett.
Q Was he a Choctaw Indian or white man? A He was a white man.
Q Will you give me the name of the oldest child under twenty-one years of age and unmarried that you want to make application for? A Jewel Duen.
Q I want to know your age, sir.
Q I am thirty-four.
Q What day of the month was he born?
Q He is about 10 years old.
Q Is he a boy or a girl?
Q He is a boy.

- Q How old is Dewitt? A He is ten.
- Q Have you any other children or anybody else you want to make application for? A None but my brother.
- Q How old is your brother? A He is twenty.
- Q What is your brother's name? A Lemuel E. Wilson.
- Q Twenty years old? A Yes, sir.
- Q Is he living with you? A Yes, sir.
- Q How long has he been living with you? A Well, for the last four years.
- Q Is his father living? A No, sir.
- Q What was his father's name? A Michael Wilson.
- Q This is your full brother? A Yes, sir.
- Q Mother's name is Martha T? A Yes, sir.
- Q He claims his Choctaw blood through his father and your father? A Yes, sir.
- Q He had how much Choctaw blood? A One-eighth.
- Q You claim for your brother Lemuel E. Wilson the same quantity of Choctaw blood you claim for yourself? A Yes, sir.
- Q One-sixteenth is that right? A Yes, sir. That is right.
- Q Is your mother living with you at your home and the mother of this brother Lemuel? A Yes, sir.
- Q Are you assisting her in her support? A Yes; she stays with me.
- Q Do you make application for your brother with your mother's full consent? A Yes, sir.
- Q Have you a power of attorney which authorizes you to make this application at this time? A No, sir.

By the Commission (to attorney)

Do you intend to submit such power of attorney?

By Mr. Johnson:

Yes; I will have her send it to you.

By the Commission:

- Q Lemuel E. Wilson your brother is now living with you at your home at Hillsboro, Texas? A Yes, sir.
- Q You have contributed to his maintenance and support I presume? A A Well; Yes; we live there together.
- Q Is your name on any of the tribal rolls, or the names of these children on any of the tribal rolls of the Choctaw Nation in Indian Territory? A No, sir.
- Q Have you made application for citizenship in the Choctaw Nation for yourself and these children, or has any one made application for them or for your brother Lemuel to the Choctaw tribal authorities in Indian Territory? A No, sir; we have not.
- Q Have you or has any one for you or for your children or your brother ever made application for citizenship in the Choctaw Nation to the Commission to the Five Civilized Tribes under the act of Congress of June 10, 1906? A No, sir.
- Q Have you or these children or this brother of yours, Lemuel E. Wilson, ever been admitted to citizenship in the Choctaw Nation by either the Choctaw tribal authorities, the Commission to the Five Civilized Tribes or the United States Court in Indian Territory? A No, sir.

#3

- Q Is this the first application of any kind that has ever been made for you or your children or your brother to either the Choctaw tribal authorities or the United States authorities in Indian Territory? A Yes, sir.
- Q Do you now come before the Commission to identify yourself and your children and your brother as Mississippi Choctaws? A Yes, sir.
- Q You claim under article fourteen of the treaty of 1830? A Yes, sir.
- Q You understand that article? A Well I think I do.
- Q You have had it explained to you; have you? A Yes, sir.
- Q You care to have it explained any further or just simply read to you? A Why I suppose just read it; that will be alright.

It reads, as follows:

"Each Choctaw head of a family being desirous to remain and become a citizen of the States shall be permitted to do so, by signifying his intention to the Agent within six months from the ratification of this treaty and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land to be bounded by sectional lines of survey; in like manner shall be entitled to one half that quantity for each unmarried child which is living with him over ten years of age; and a quarter section to such child as may be under ten years of age, to adjoin the location of the parent. If they reside upon said lands intending to become citizens of the States for five years after the ratification of this treaty, in that case a grant in fee simple shall issue; said reservation shall include the present improvement of the head of the family or a portion of it. Persons who claim under this article shall not lose the privilege of a Choctaw citizen but if they ever remove are not to be entitled to any portion of the Choctaw annuity."

- Q Did any of your Choctaw ancestors comply or attempt to comply with any of the provisions of that article of that treaty? A I don't know.
- Q What is the name of your ancestor through whom you claim your right to be identified as a Mississippi Choctaw? A Martin Atchley.
- Q How do you spell that? A A-t-c-h-l-e-y.
- Q What relation was he to you? A Great grandfather.
- Q How much Choctaw blood did he have? A Half.
- Q Did he live in the old Choctaw Nation in Mississippi or in Alabama in 1830? A My father said he came from Mississippi.
- Q Did he live there in 1830? A I was told he moved from there to Tennessee between 1835 and 1838.
- Q What do you know about his having lived in Mississippi in 1830? A I don't know anything about that.
- Q Can you give me the name of any Choctaw ancestor who did live in Mississippi or in Alabama in the old Choctaw Nation in 1830 and was the head of a family there at that time? A No, sir.

Article fourteen, under which Mississippi Choctaw claimants appear before this Commission, to be identified, says "Each Choctaw head of a family being desirous to remain and become a citizen of the States" etc. you remember the wording of that article. Now under that article it is necessary for a Mississippi Choctaw applicant who appears before the Commission to show that their ancestor lived in the old Choctaw Nation in 1830, and was the head of a family there then, according to the wording of the article in the treaty, and that they complied

with article fourteen of the treaty of 1830 in the manner in which it is stated in article fourteen; that they went to the United States Indian Agent within six months from the ratification of the treaty and told him that they wanted to stay there in Mississippi, take land there and become citizens of the States; after they did this they could select land in the old Choctaw Nation and after they lived on that land for five years they could get a deed from the government; then afterwards, if they wished to go to the Choctaw Nation Indian Territory, they could do so and would be admitted to the rights of citizenship there, except, that they would not be allowed to share in the annuities.

- Q Now do you know whether any of your Choctaw ancestors lived there in 1830, and had a family of children there then? A I was told that my grandfather did.
- Q And complied with article fourteen? A I don't know, I was also told that we had a right here in the Territory.
- Q Were you ever told that your great grandfather lived in Mississippi in 1830 and had a family there then? A Yes, sir.
- Q That is a matter of family history is it? A Yes, sir.
- Q Do you know anything about how much of a family he had? A There were five or six children; I don't remember the exact number.
- Q You claim through your father? A Yes, sir.
- Q How old would he be if living at the present time? A He was born in 1837.
- Q Sixty-five; where was he born? A In Tennessee.
- Q Now he claimed through his father or mother? A His mother.
- Q Her name was what? A Mahala Atchley.
- Q Was she a daughter of Martin Atchley? A Yes, sir.
- Q Did Mahala live in Mississippi? A Yes, she was born in Mississippi.
- Q How old would she be if she were living now? A She was born in 1809.
- Q Was she married in 1830 or not? A No, sir; ---Yes, sir; she was married.
- Q Did she have a family of children there then? A I suppose so.
- Q Well do you know? A Yes; she did have some children.
- Q In 1830? A Yes, sir.
- Q Do you claim then through Mahala Atchley your grandmother, the daughter of Martin Atchley if she lived in Mississippi in 1830 and had a family there and had children then? A Yes; I suppose so, I did not understand it.
- Q That is your grandmother? A Yes, sir.
- Q She married whom? A She married Michael Wilson, the same as my father.
- Q Then it was Michael Wilson who lived in Mississippi in 1830 and had a family living there? A My grandfather married her in Tennessee; he brought her over from Mississippi and married her in Tennessee.
- Q But, my question was did she live in Mississippi in 1830 and have a family living there then; your answer was "Yes" are you sure? A No, she was not living there at that time.
- Q Was she living in Tennessee? A Yes, sir.
- Q It is not through her that you claim then as living in the old Choctaw Nation in 1830 and having a family there then? A No, sir.
- Q Do you claim to be a Choctaw? A Yes, sir.
- Q Did you live at that time? A Yes, sir.
- Q Did you marry? A I don't know.

- Q Did any of your Choctaw ancestors own any land or claim any land in Mississippi or Alabama in 1830? A Not that I know of.
- Q Did any of your Choctaw ancestors within six months after the ratification of the treaty of 1830 go to the United States Indian Agent, Colonel Ward and tell him they wanted to stay in Mississippi, take land there and become citizens of the States? A I could not tell you that.
- Q Did any of them go from that old Choctaw Nation, East of the Mississippi River, to the Choctaw Nation, Indian Territory, with the other Indians between 1833 and 1838? A I don't know.
- Q I understood that Martin Atchley went from Mississippi to Tennessee? A Yes, sir.
- Q Never heard that he went to the Indian Territory? A No, sir.
- Q Did any of your Choctaw ancestors own any improvements on land in Mississippi or Alabama in the old Choctaw Nation, in 1830? A Not that I know of.
- Q Did any of your Choctaw ancestors own any land or claim any land in Mississippi or Alabama, in the old Choctaw Nation, under article fourteen of the treaty of 1830? A No, sir.

The Choctaw Indians who lived in the old Choctaw Nation, East of the Mississippi River and who stayed there after the treaty of 1830 was ratified, were required if they wanted to take advantage of article fourteen of that treaty, to go to the United States Indian Agent, Colonel Ward, within six months from the ratification of the treaty and tell him that they wanted to stay in Mississippi, take land there and become citizens of the States. A good many Choctaw Indians did this whose names Colonel Ward failed to put upon his list known as Ward's register. His neglect to do so caused a good many Indians who had land in the old Choctaw Nation upon which they had improvements to lose both their land and their improvements; they were taken from them by the government and sold at its public land sales. This caused so many complaints among the Choctaw Indians that in 1837, by act approved March 3rd of that year, a Commission was appointed by Congress which went to Mississippi and heard claimants under article fourteen of the treaty of 1830. In 1842, by act approved August 23rd of that year, another Commission was appointed by Congress for the same purpose. This Commission also went to Mississippi and heard claimants under article fourteen of that treaty.

- Q Did any of your Choctaw ancestors go before either of these Commissions and claim benefits as Choctaw Indians under that article of that treaty? A I don't know.
- Q Did any of your Choctaw ancestors receive any scrip from the government which entitled them to select land in either in Mississippi, Alabama, Louisiana or Arkansas? A I could not tell you.

This scrip or these certificates given to these Indians were issued under the act of Congress approved August 23, 1842 and authorized the Indians who received it to select land, to take the place of land which the government had taken from them and sold at its public land sales, either in Mississippi, Alabama, Louisiana or Arkansas.

- Q You never heard that any of your ancestors received any? A No, sir.

- Q Have you any kin folks or relatives who have previously been before this Commission to be identified as Mississippi Choctaws? A Not that I know of.
- Q Have you any married or unmarried brothers or sisters who have been before the Commission? A I have one married sister.
- Q She is here? A Yes, sir.
- Q That is all? A Yes, sir.
- Q What other relatives have you who have the right to be identified and may possibly come before the commission to be identified? A I have my uncle and his family.
- Q What is his name? A William Wilson.
- Q That is your uncle on your father's side? A Yes, sir; and then I have my father's deceased brother's boy.
- Q Where does William Wilson live? A At Emerson, Texas.
- Q Has he any children? A Yes, sir.
- Q Give me the names of the members of his family? A He is hereto be identified to-day.
- Q Have you any evidence you want to introduce now in support of this claim? A Not now.
- Q No documents or papers? A No, sir.

To attorney:

Mr Johnson you want until the first day of July in which to offer further evidence?

Q By Mr. Johnson:

Yes, sir.

By the Commission:

Time is allowed for the introduction of evidence in this case until the first day of July 1902.

- Q Do you speak the Choctaw language? A No, sir.
- Q Is there anything further you would like to say in support of this claim? A No, sir.

By Mr. Johnson.

- Q Did your father speak or understand the Choctaw language? A Yes, sir; a little. He always wanted to come to the Territory but my mother was ashamed of the Indian blood and would not go.

By the Commission:

- Q When was that? A That was about seventy-six.
- Q Your eyes are blue? A Yes, sir.

This applicant has the appearance and physical characteristics of being descended from white parentage; she has light complexion, blue eyes, brown hair. She has no knowledge of the Choctaw language and no knowledge of compliance on the part of her ancestors with any of the provisions of article fourteen of the treaty of 1830.

Witness examined.

#7

Laura A. Wright, witness, first duly sworn testifies as follows

Examination by the Commission

- Q What is your name? A Laura A. Wright.
Q What is your age? A Thirty.
Q What is your post office address? A Hillsboro, Texas.
Q Is Mary P. Tackett your own sister? A Yes, sir.
Q Lemuel E. Wilson is your own brother? A Yes, sir.
Q Did you and Lemuel E. Wilson have the same father and mother? A Yes, sir.
Q Is Michael Wilson living? A No, sir.
Q Is Martha T., living? A Yes, sir.
Q Where is she living? A At Hillsboro.
Q Does she live with your sister? A Yes, sir.
Q Does Lemuel E. Wilson live with your sister? A Yes, sir.
Q Is she assisting in his support? A Yes, sir.
Q She has made application for identification of her minor brother Lemuel E. Wilson. Do you know whether she made that application with the consent of his mother Martha T. Wilson? A Yes, sir.
Q You know that to be a fact? A Yes, sir.
Q And that she, Martha T. Wilson, as well as her son Lemuel E. Wilson, are living with your sister Mary P. Tackett? A Yes, sir.

Witness excused.....

G. Rosenwinkel being duly sworn upon his oath states that as stenographer to the Commission to the Five Civilized Tribes he reported in full all the proceedings had in the above entitled cause on June 17, 1902, and that the above and foregoing is a full, true and correct transcript of his stenographic notes in said cause on said date of June 1902.

G. Rosenwinkel

Subscribed and sworn to before me this 12 day of July 1902.

Guy L. V. Emerson
Notary Public.

COPY.

Muskogee, Indian Territory, January 6, 1903.

Mary Frances Tackett,
Hillsboro, Texas.

Dear Madam:

You are hereby advised that on the 6th day of January, 1903, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of William Wilson, et al., embracing the following applications for identification as Mississippi Choctaws:

William Wilson,	M.C.R. 5833
Mary Frances Tackett, et al.,	M.C.R. 5833
Laura A. Wright, et al.,	M.C.R. 5834

These applications were made under the provision of the act of Congress of June 28, 1896 (30 Stats., 496), which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto, and make report to the Secretary of the Interior."

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of William Wilson, Mary Frances Tackett, Jewel Deen Tackett, DeWitt Tackett, Lemuel E. Wilson, Laura A. Wright and Elmer Hayden Wright as Choctaw

M.F.T.-2

Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the applications for their identification as such should be refused, and it is so ordered."

You are further advised that you will be allowed fifteen days from the date hereof within which to file arguments in this office, and that at the expiration of said time the papers in the case, together with such arguments, will be forwarded to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

Yours,

James Bixby.
Acting Chairman.

Registered.

M.C.R. 5833.

Muskogee, Indian Territory, March 31, 1903.

Mary F. Tackett,
Hillsboro, Texas.

Dear Madam:

You are hereby notified that on the 24th day of March, 1903, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of William Wilson, et al., of which decision you were advised by registered mail on the 6th day of January, 1903.

Respectfully,

Jams Bixby.
Chairman.

For Identification as a Mississippi Choctaw.

Date

JUN 17 1902

Name Mary F. Tackett.

Age 34

Blood ~~1/8~~ 1/16

Post-Office,

Killebuck, Texas.

Father:

Michael Wilson '8 d

Mother:

Martha T. " l.

Claims through father —
husband

S. G. Tackett. d. w.

Children:

Jewel Keen Tackett F. 12
Joe Witt " 10

Brother of applicant

Leopold E. Wilson ('16) 20.

Father —

Michael Wilson (d) '18

Mother —

Martha T. " l.

claim for self, ~~and~~ her 2
children, and her minor

brother.

Stenographer

J. R. R. R. R. R.

Choctaw MCR 5834

Laura A. Wright

See MCR 5835

MCR 5834

1994

E. S. Johnson, attorney for applicants.

Examination by the Commission

What is your name? A Laura A. Wright.
What is your age? A Thirty.
What is your post office address? Hillsboro, Texas.
How long have you lived at Hillsboro? A Ten years.
Where did you live before that? I lived near there.
In Texas? A Yes, sir.
In that County? A Yes, sir.
What County is that in? A Hill County.
Were you born in Texas? A No, sir; in Arkansas.
What place in Arkansas? A Benton County.
Is your father living? No, sir.
Is your mother living? Yes, sir.
What was your father's name? A Michael Wilson.
What is your mother's name? Martha T. Wilson.
Through which parent do you claim Choctaw blood? A My father.
How much do you claim? A One-sixteenth.
Has your father ever been recognized or enrolled as a member
of the Choctaw tribe of Indians by the Choctaw tribal authorities
or the United States authorities in Indian Territory? A No, sir.
Can you tell when and where your father and mother were married?
A No, sir.
You know whether they were married by a minister and under a
license? A No, sir.
You have no proof of their marriage with you? No, sir.
You are married? A Yes, sir.
What is your husband's name? Mike Wright.
Is he a Choctaw Indian? A No, sir.
Is he a white man? Yes, sir.
And living? Yes, sir.
You are married to him? A No, sir.
Have you any children you want to make application for under
this law? A Yes, sir; one.
What is the name? Mike Wright.
How old is he? A Two years old.
Is Mike Wright the father of this child? A Yes, sir.
Are you living with your husband and is this child living with
you both of your parents? A Yes, sir.

- Q Do you want to make application for anybody else besides this child? No, sir.
- Q Is your name on any of the tribal rolls of the Choctaw Nation in Indian Territory? A No, sir.
- Q Have you ever made application for citizenship in the Choctaw Nation to the Choctaw tribal authorities? A No, sir.
- Q Have you ever made application for citizenship in the Choctaw Nation to the Commission to the Five Civilized Tribes under the Act of Congress of June 10, 1896? A No, sir.
- Q Have you ever been admitted to citizenship in the Choctaw Nation by either the Choctaw tribal authorities, the Commission to the Five Civilized Tribes or the United States Court in Indian Territory? A No, sir.
- Q Is this the first application you have ever made for yourself and your son for citizenship in the Choctaw Nation either to the Choctaw tribal authorities or the United States authorities in Indian Territory? A Yes, sir.
- Q Do you now come before the Commission to be identified as a Mississippi Choctaw and to identify this child as a Mississippi Choctaw? A Yes, sir.
- Q You claim under article fourteen of the treaty of 1830? A Yes, sir.
- Q You do not understand that article? A No, sir; I don't understand it.

Article fourteen is a part of the treaty of 1830; one of its subdivisions. All treaties are divided into articles from one up to as many as there are in the treaty. A treaty is a contract or a compact in writing made between Nations instead of between individuals; it is called a treaty because it is an agreement between Nations instead of individuals. Individuals make contracts but it is practically the same thing; it is an agreement whereby these different Nations enter into, to do certain things. This treaty was made in 1830 at a place in Mississippi called Dancing Rabbit Creek; it was made between the Choctaw Indians on one hand and the United States government on the other. The treaty was made in order to get the Choctaw Indians to go from that old Choctaw Nation to the Choctaw Nation Indian Territory. Before the treaty was signed it became known that a good many Choctaw Indians would not go to the Choctaw Nation, Indian Territory under that treaty; they would not go at all under any circumstances; therefore in order to protect the interest of these Indians who stayed back there in the old Choctaw Nation, article fourteen was drafted and put into the treaty of 1830. That was put into the treaty for the especial protection of the rights and interests of Mississippi Choctaw Indians and reads as follows:

"Each Choctaw head of a family being desirous to remain and become a citizen of the States shall be permitted to do so, by signifying his intention to the agent within six months from the ratification of this treaty, and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land to be bounded by sectional lines of survey; in like manner shall be entitled to one half that quantity for each unmarried child which is living with him over ten years of age; and a quarter section to each child as may be under ten years of age; to be taken the location of the parent. If they reside upon said lands intending to become citizens of the States for five years after the ratification of this treaty in that case agent in fee simple shall issue; said reservation shall in-

clude the present improvement of the head of the family or a portion of it. Persons who claim under this article shall not lose the privilege of a Choctaw citizen but if they ever remove are not to be entitled to any portion of the Choctaw annuity."

- Q Do you understand that better now? Yes, sir.
- Q What is the name of your ancestor through whom you claim your right to be identified as a Mississippi Choctaw? A Mahela Atchley.
- Q That is your grandmother? A Yes, sir.
- Q Did she live in Mississippi in 1830? A I don't know anything about it.
- Q Whom did she claim through? A Her father.
- Q What was his name? A Martin Atchley.
- Q Did he live in Mississippi in 1830? A I don't know.
- Q Can you give me the name of some Choctaw ancestors of yours who did live in Mississippi in 1830 and was the head of a family then? No, sir.
- Q Don't know anything about it? A No, sir.
- Q You could not say that you ever heard anybody say that you had a Choctaw ancestor who lived in Mississippi in 1830? A I have been taught that.
- Q Who taught you that? A My parents.
- Q Did they tell you that Martin Atchley lived in Mississippi in 1830? A No, sir.
- Q Who did they tell you that did live there? A I can't remember anything about it.
- Q You never heard anything about article fourteen of the treaty of 1830? A No, sir.
- Q Or whether any of your ancestors lived in the old Choctaw Nation in 1830? A No, sir.
- Q You heard your sister testify did you not? A Yes, sir.
- Q She has testified with reference that fact but you don't know what she has testified to; that is you do not know the facts that she has testified to? A No, sir.
- Q Did any of your Choctaw ancestors own any land or claim any land in the old Choctaw Nation in Mississippi or Alabama under article fourteen of the treaty of 1830? A I don't know.
- Q Did any of your Choctaw ancestors within six months from the ratification of the treaty of 1830 go to the United States Indian Agent whose name was Colonel Ward and tell him they wanted to stay in Mississippi, take land there and become citizens of the States? A I don't remember anything about that.
- Q Did any of them go from that old Choctaw Nation to the Choctaw Nation Indian Territory with the other Indians between 1833 and 1838 or forty? A I don't know.
- Q Did any of your Choctaw ancestors own any improvements on land in Mississippi or Alabama in 1830? A Not that I know of.
- Q How old would Martin Atchley be if living now? A Very old.
- Q You know what his wife's name was? A No, sir.
- Q You know whether he spoke the Choctaw language or not? A I don't know.
- Q Was his daughter's name Mahela Atchley? A Yes, sir.
- Q She married whom? A Michael Wilson.
- Q Was your father named after his father? A Yes, sir.
- Q Do you know whether your grandfather Michael Wilson lived in the old Choctaw Nation in Mississippi or Alabama? A No, sir.

In 1837 by act of Congress approved March 3, of that year and in 1842 by act of Congress approved August 22, of that year Commissions were appointed which went to Mississippi and heard statements under article fourteen of the treaty of 1830. The reason why these two Commissions were appointed was because of the complaints made by Choctaw Indians, who moved back in the

old Choctaw Nation, East of the Mississippi River, and who claimed that they had gone to Colonel Ward, the United States Indian Agent, within six months from the ratification of the treaty of 1830 and attempted to register their names with him under that article of that treaty but that he had refused to put their names upon his list known as Ward's register. His neglect to do this caused a good many Indians who had land in the old Choctaw Nation upon which they had improvements to lose both their land and the improvements which they had; they were both taken from them by the government and sold at its public land sales. The complaints that this caused led to the appointment of these two Commissioners.

- Q Do you know whether any of your ancestors went before either of these Commissioners claimed any benefits as Choctaw Indians under article fourteen of the treaty of 1830? A No, sir.
- Q Did any of your Choctaw ancestors receive any scrip from the government which entitled them to select land either in Mississippi, Alabama, Louisiana or Arkansas? A I don't know.
- Q This scrip was given to Choctaw Indians who proved their title claims under article fourteen and also proved that their land had been taken from them in the old Choctaw Nation and sold.
- Q Is Martha F. Tackett your sister? A Yes, sir.
- Q She has appeared to be identified to-day as a Mississippi Choctaw? A Yes, sir.
- Q Do you want to have her case and yours considered together? A Yes, sir.
- Q Have you any other proof you want to present at this time? A No, sir.
- Q Do you want until the first of July in which to introduce other testimony? A Yes, sir.
- Q Time is limited in this case until the first of July 1902, for the presentation of other evidence or proof in this case.
- Q Do you speak the Choctaw language? A No, sir.

This applicant has the appearance and physical characteristics of being descended from white ancestry; dark brown hair; dark eyes; she does not understand or speak the Choctaw language; she has no knowledge of compliance on the part of her ancestors with any of the provisions of article fourteen of the treaty of 1830.

G. Rosenwinkel being duly sworn on his oath states that as stenographer to the Commission to the Five Civilized Tribes he reported in full all the proceedings had in the above entitled cause on June 17, 1902, and that the above and foregoing is a full, true and correct transcript of his stenographic notes in said cause on said date of June 1902.

G. Rosenwinkel

Subscribed and sworn to before me this 12 day of July 1902.

Guy L. V. Emerson
Notary Public.

M C R 5534
M C R 5535

Muskogee, Indian Territory, July 19, 1902.

Benjamin F. Brock,

Vista, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of your letter of the 15th inst., asking information regarding the applications for identification as Mississippi Choctaws of yourself and your mother, Letitia Brock. You state that you have been told that twenty-five hundred cases have been tried under the treaty of 1830, and only seven cases were through, and ask when the case of yourself and your mother will be reached.

In reply you are informed that it appears from our records that you are an applicant for identification as a Mississippi Choctaw and that your mother Letitia Brock is an applicant for the identification of herself and her minor children as Mississippi Choctaws.

No decision has yet been reached nor opinion rendered relative to the right of these persons to identification as Mississippi Choctaws. When a decision is reached you will be duly notified of the same.

MEMO-2

The Commission cannot render any opinion upon the sufficiency of evidence submitted in support of applications for identification as Mississippi Choctaws until the cases are taken up for final consideration and decision.

Yours truly,

Commissioner in charge.

COPY

M.C.R. 5834

Muskogee, Indian Territory, January 6, 1903.

Laura A. Wright,
Hillsboro, Texas.

Dear Madam:

You are hereby advised that on the 6th day of January, 1903, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of William Wilson, et al., embracing the following applications for identification as Mississippi

Choctaws:

William Wilson,	M.C.R. 5835
Mary Frances Tackett, et al.,	M.C.R. 5833
Laura A. Wright, et al.,	M.C.R. 5834

These applications were made under the provision of the act of Congress of June 28, 1898 (30 Stats., 498), which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto, and make report to the Secretary of the Interior."

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of William Wilson, Mary Frances Tackett, David Dean Tackett, David Tackett, Laura A. Wilson, Laura A. Wright, and Mary Frances Wright as Choctaw

L.A.W.-2

Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the applications for their identification as such should be refused, and it is so ordered."

You are further advised that you will be allowed fifteen days from the date hereof within which to file arguments in this office, and that at the expiration of said time the papers in the case, together with such arguments, will be forwarded to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

SIGNED

Tame Dixey

Acting Chairman.

Registered.

M.C.R. 5834.

COPY.

Muskogee, Indian Territory, March 31, 1903.

Laura A. Wright,
Hillsboro, Texas.

Dear Madam:

You are hereby notified that on the 24th day of March, 1903, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of William Wilson, et al., of which decision you were advised by registered mail on the 6th day of January, 1903.

Respectfully,

Tame Bixby.

Chairman.

For Identification as a Mississippi Choctaw.

Date

JUN 17 1902

Name *Laura A. Wright*

Age 30

Blond 416

Post-Office, *Williboro, Texas*

Father *Michael Wilson*, d.

Mother *Martha T.*, l.

Claims through father
~~husband~~

Elisha Wright, l. w.
No claim for husband.

Children:

HAYDEN

Elmer Hayden Wright, 3.

Claims for self
and son.

Stenographer *V. Ransom*

Choctaw MCR 5835

William Wilson

See MCR 5833, 5834

MCR 5835

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

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In the matter of the application of William Wilson, et al.,
for identification as Mississippi Choctaws, consolidating the
applications of:

William Wilson,	M. C. R. 5835
Mary Frances Tackett, et al.,	M. C. R. 5833
Laura A. Wright, et al.,	M. C. R. 5834

-----0-----
List of papers forwarded to the Secretary of the Interior,
comprising the record in the consolidated case of
William Wilson, et al.

-----0-----

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Original application of William Wilson, to the Commission to the Five Civilized Tribes, for identification as a Mississippi Choctaw,.....	1
Original application of Mary Frances Tackett, et al., to the Commission to the Five Civilized Tribes, for identification as Mississippi Choctaws,.....	6
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Decision of the Commission to the Five Civilized Tribes refusing the applications for identification as Missis- sippi Choctaws in the consolidated case of William Wilson, et al.	17

20

In the matter of the application for identification as a Mississippi Choctaw of William Wilson.

William Wilson being first duly sworn testified as follows:

20

- Q What is your name? A William Wilson.
Q What is your age? A Sixty-two.
Q What is your post office address? A Habersham, Lamar County, Texas.
Q How long have you lived at Habersham? A Twenty-eight years.
Q Where did you live before that? A I lived in Paris, Texas? A Yes, sir.
Q Where were you born? A Born in East Tennessee.
Q Where in East Tennessee; what place? A In Roan County.
Q How old were you when you left Tennessee? A Ten years old.
Q Then you went where? A Missouri.
Q Lived there how long? A Until three years before the War commenced.
Q Then you went where? A Down into Arkansas.
Q How long did you live there? A About three years.
Q Then where did you go? A I went into the Confederate Army.
Q Then where did you go? A They just left me here in Texas and I stayed there ever since.
Q After the War you stayed in Texas? A Yes, sir.
Q Is your father living? A No, sir.
Q Mother living? A No, sir.
Q What was your father's name? A Michael Wilson.
Q What was your mother's name? A Mahala Wilson.
Q You claim your Chertaw blood through your father? A My grandfather.
Q Through your father first? A No, through my mother.
Q How much Chertaw blood do you claim? A I claim two-eighths.
Q Has your mother ever been recognized as a member of the National Society or Chapter of the Daughters of the American Revolution or the United Daughters of the Confederacy? A No, sir.
Q Are you married? A Yes, sir.
Q How long with your wife? A Thirty years.
Q Is she living? A Yes, sir.
Q How many children have you? A Three.
Q How many are living? A Two.
Q How many have died? A One.
Q How long ago did he die? A About three years ago.
Q How old was he when he died? A About thirty years old.
Q How old were you when he died? A About twenty years old.
Q How old were your other children when he died? A One was about five years old and the other was about three years old.

Commission? A They aim to come before the Commission.
 Q Now will you give me the names of the children just as they are now and their addresses? A The oldest one is Laura E. Crisp.
 Q Where does she live? A Near Huberson, Texas.
 Q What is her husband's name? A J. L. Crisp.
 Q Have they any children? A No, sir.
 Q What is the name of the next child? A Charles Michael Wilson.
 Q Where does he live? A At Huberson, Texas.
 Q Is he married? A Yes, sir.
 Q What is his wife's name? A Gerday; I don't know what her full name is; that is what they call her.
 Q Have they any children? A Yes, sir.
 Q How many? A Three.
 Q Can you name them? A Vivian.
 Q V-i-v-i-a-n? A Yes, sir.
 Q Next? A Jesse.
 Q Is this a boy or girl? A Boy.
 Q Next? A Marvin.
 Q Give me your next child? A William R. Wilson.
 Q Where does he live? A Woodland, Red River, County, Texas.
 Q Is he married? A Yes, sir.
 Q What is his wife's name? A Maggie.
 Q Have they any children? A Two.
 Q What are their names? A I don't know whether I know the youngest's name or not? A
 Q Tell me the names of all you know? A He was named after one of the officers in Washington City.
 Q What is the name of the next one? A John W.
 Q Is he married? A No, sir.
 Q Where does he live? A Sylvan, Texas.
 Q What is the next child? A Jennie Moody.
 Q What is her husband's name? A Thomas Moody.
 Q Where do they live? A At Sylvan.
 Q Texas? A Yes, sir.
 Q What is the name of the next child? A Bettie Wilson.
 Q Not married? A No, sir.
 Q How old is she? A Twenty-two.
 Q Where does she live? A She lives with me.
 Q Is she here to-day? A No, sir.
 Q Any other children? A One, more.
 Q What is her name? A Carrie Welch.
 Q What is her husband's name? A Wallace Welch.
 Q Where do they live? A In Huberson.
 Q That is all of your children? A Yes, sir. I have a nephew living with me I think he wants to make application.
 Q What is his name? A William Wilson.
 Q How old is he? A Twenty-five or thirty.
 Q What is his wife's name? A Nora.
 Q Where does he live? A Belk is his post office.
 Q Texas? A Yes, sir.
 Q Has he children? A Yes, he has two.
 Q What are the names of his children? A I don't know.
 Q What is his father's name? A Larkin G. Wilson.
 Q Brother of yours? A Yes, sir.
 Q Is Larkin G. Wilson living? A No, sir; he is dead.
 Q You claim just for yourself do you not? A Yes, sir.
 Q Is your name on any of the tribal rolls of the Cheateau Nation in Indian Territory? A No, sir.
 Q Have you ever made application for citizenship in the Cheateau Nation to the Cheateau tribal authorities in Indian Territory? A No, sir.
 Q Have you ever made application for citizenship in the Cheateau

Nation to the Commission to the Five Civilized Tribes under the act of Congress of June 10, 1896? A No, sir.

Q Have you ever been admitted to citizenship in the Choctaw Nation by either the Choctaw tribal authorities, the Commission to the Five Civilized Tribes or the United States Court in Indian Territory? A No, sir.

Q Is this the first application you have ever made to be enrolled or admitted as a Choctaw Indian? A Yes, sir.

Q Do you now come before the Commission to be identified as a Mississippi Choctaw? A Yes, sir.

Q You claim that right under article fourteen of the treaty of 1830? A Yes sir.

Q You understand that article? A Well I don't know whether I do or not.

The treaty of 1830 was made between the United States government and the Choctaw Indians at a place in Mississippi in the year 1830, on the twenty-seventh day of September, at Dancing Rabbit Creek. This treaty was made for the purpose of removing the Indians from the old Choctaw Nation to the Choctaw Nation Indian Territory. Before the treaty was signed it became known that a good many Choctaw Indians would not go to the Choctaw Nation Indian Territory and in order to protect their interests article fourteen was drafted and put into the treaty; it reads as follows

"Each Choctaw head of a family being desirous to remain and become a citizen of the States shall be permitted to do so by signifying his intention to the Agent within six months from the ratification of this treaty and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land to be bounded by sectional lines of survey; in like manner shall be entitled to one-half that quantity for each unmarried child which is living with him over ten years of age; and a quarter section to such child as may be under ten years of age, to adjoin the location of the parent. If they reside upon said lands intending to become citizens of the States for five years after the ratification of this treaty in that case a grant in fee simple shall issue; said reservation shall include the present improvement of the head of the family or a portion of it. Persons who claim under this article shall not lose the privilege of a Choctaw citizen but if they ever remove are not to be entitled to any portion of the Choctaw annuity."

Q What is the name of your ancestor through whom you claim your right to be identified as a Mississippi Choctaw? A Martin Atchley.

Q Did he or any Choctaw ancestor of yours comply or in any way attempt to comply with article fourteen of the treaty of 1830? A I don't know whether he did or not.

Q What relation was he to you? A My grandfather.

Q How much Choctaw blood did you hear that he had? A Half.

Q Do you remember his wife's name? A I remember he given name.

Q What was her given name? A Mary.

Q She was a white woman was she not? A Yes, sir.

Q Did she live in Mississippi in 1830 in the old Choctaw Nation? A Yes, sir.

Q Did he comply at that time or later in 1830 with article fourteen of the treaty of 1830? A I don't know whether he did or not.

Q Did he have a family of children there then; in other words was he the head of a family in Mississippi at that time? A Yes, sir.

- Q You get that information from family history and tradition? A Yes, sir.
- Q Where were you born Mr. Wilson? A In East Tennessee.
- Q That was sixty-two years ago? A Yes, sir.
- Q You must have a pretty fair recollection of Martin Atchley? A Yes, I recollect seeing him and recollect being at his funeral when he died.
- Q How old a man was he when you saw him last? A I could not tell his age.
- Q Was he an old man? A Yes, sir.
- Q When did he die? A In forty-eight.
- Q How old was he when he died? A I think somewhere about eighty.
- Q He would be about one hundred and thirty-four now? A Well that is the best of my recollection now; that is when he died in 1848.
- Q How was about eighty then? A I think how was eighty; it might not have been that old.
- Q Don't you figure that he would be about 134 if living now? A I have not figured it. My grandfather on my father's side lived to be ninety-nine.
- Q Now what do you recollect as a matter of family history and tradition about Martin Atchley having lived in Mississippi in 1830 and having a family there then and having complied with article fourteen of the treaty of 1830? A I don't have any at all.
- Q Did any of your Choctaw ancestors own any land or claim any in the old Choctaw Nation in Mississippi or Alabama under article fourteen of the treaty of 1830? A I don't know.
- Q Did any of your ancestors own any improvements on land in the old Choctaw Nation in 1830? A I don't know whether he did or not.
- Q Did any of your Choctaw ancestors within six months from the ratification of the treaty of 1830 go to the United States Indian Agent Colonel Ward and tell him they wanted to stay in Mississippi, take land there and become citizens of the States? A I could not tell you.
- Q Did any of your Choctaw ancestors go from that old Choctaw Nation East of the Mississippi River to the Choctaw Nation Indian Territory between 1833 and 1838? A Not that I know of.

The Indians who remained in Mississippi after the treaty of 1830 was ratified refusing to go to the Choctaw Nation Indian Territory, with the other Indians under the treaty, were required if they wanted to take advantage of article fourteen of that treaty to go to the United States Indian Agent Colonel Ward within six months from the ratification of the treaty and tell him that they wanted to stay in Mississippi, take land there and become citizens of the States. A good many Choctaw Indians did this whose names Colonel Ward neglected to put upon his list known as Ward's register. This caused so many complaints among the Choctaw Indians that Congress appointed a Commission in 1837, also another Commission in 1842. These Commissions were appointed under various acts of Congress to go to Mississippi and hear claimants under article fourteen of the treaty of 1830 and right the wrong and injustice done these Indians by Colonel Ward if they proved that they had attempted to register under him within six months from the ratification of the treaty of 1830 under article and if they also proved that he had refused to register their names.

Q Do you know whether any of your Chectaw ancestors went before either the Commission of 1837 or the Commission of 1842 and claimed any benefits as Chectaw Indians? A I do not.

Q Did any of your Chectaw ancestors receive any scrip from the government which entitled them to select land in either Mississippi, Alabama, Louisiana or Arkansas? A Not that I know of.

This scrip was issued under an act of Congress approved August 23, 1842, and was issued to those Indians who proved their rights under article fourteen and also proved that they had had land taken from them in the old Chectaw Nation by the government and sold.

Q Do you speak the Chectaw language? A No, sir.

Q Have you any knowledge of it? A No, sir.

Q Have you any other evidence you want to present now at this time? A No, sir.

Q Would you like until the first day of July of this year in which to introduce testimony? A Yes, sir.

Time is limited until the first day of July for the introduction of testimony in this case.

Q Is there anything else you want to say Mr. Wilson? A No, sir.

This applicant has the appearance and physical characteristics of being descended from white parentage; he has light brown hair; some what gray; blue eyes; sandy mustache and whiskers, somewhat gray. He does not understand or speak the Chectaw language and has no knowledge of compliance on the part of his ancestors with any of the provisions of article fourteen of the treaty of 1830.

Q Are you related to Mary F. Tackett and Laura A. Wright? A Yes, sir.

Q They are your nieces? A Yes, sir.

Q Would you like to have their cases considered with yours? A Yes, sir.

The case of Mary F. Tackett is here referred to for the purpose of consolidation.

G. Rosenwinkel being duly sworn in his oath states that as stenographer to the Commission to the Five Civilized Tribes he reported in full all the proceedings had in the above entitled cause on June 17, 1902, and that the above and foregoing is a full, true and correct transcript of his stenographic notes in said cause on said date of June 1902.

Subscribed and sworn to before me this 12 day of July 1902.

Guy L. Emerson
Notary Public.

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DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

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In the matter of the application of William Wilson, et al.,
for identification as Mississippi Choctaws, consolidating the
applications of:

William Wilson,	M. C. R. 5835
Mary Frances Tackett, et al.,	M. C. R. 5836
Laura A. Wright, et al.,	M. C. R. 5834

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--: D E C I S I O N :--

It appears from the record herein that applications
for identification as Mississippi Choctaws were made to this Com-
mission by William Wilson for himself; by Mary Frances Tackett
for herself, her two minor children, Jewel Deen and DeVitt
Tackett, and her minor brother Lemuel H. Wilson; and by Laura A.
Wright for herself and her minor child, Elmer Hayden Wright, under
the following provision of the act of Congress approved June 22,
1898, (30 Stat., 492):

"Said Commission shall have authority to de-
termine the status of Choctaw Indians claiming
rights in the Choctaw lands under articles four-
teen of the treaty between the United States and
the Choctaw Nation, entered into October twenty-
seventh, eighteen hundred and two, and to the
and any other persons claiming rights in the
perform all other duties which may be required
report to the Secretary of the Interior."

It also appears that all the persons herein named

reside in the Choctaw lands under the provisions of the

treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, by reason of being descendants of Martin Atchley, who is alleged to have been an one-half blood Choctaw Indian, and to have resided in Mississippi in eighteen hundred and thirty.

It further appears from the evidence submitted in support of said applications and from the records in the possession of the Commission, that none of said applicants has ever been enrolled by the Choctaw tribal authorities as a member of the Choctaw tribe, or admitted to Choctaw citizenship by a duly constituted court or committee of the Choctaw Nation, or by the Commission to the Five Civilized Tribes, or by a decree of the United States Court in Indian Territory, under the provisions of the act of Congress approved June 10, 1896, (29 Stats., 321).

It does not appear, from the testimony and evidence offered in support of said application, or from the records in the possession of the Commission relating to persons who complied or attempted to comply with the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and to persons who heretofore were claimants thereunder, that the said Martin Atchley, or an ancestor less remote, signified (in person or by proxy) to Colonel Wm. Ward, Indian Agent, Choctaw Agency, an intention to comply with the provisions of said article fourteen, or presented a claim to rights thereunder to either of the commissions authorized to adjudicate such claims by the acts of Congress approved March 3, 1837 (5 Stats., 130) and August 23, 1842 (5 Stats., 315).

It is therefore the opinion of this Commission that

the evidence herein is insufficient to determine the identity of William Wilson, Mary Frances Taskett, Jewel Dean Taskett, DeWitt Taskett, Lemuel E. Wilson, Laura A. Wright and Elmer Hayden Wright as Cheetaw Indians entitled to rights in the Cheetaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the applications for their identification as such should be refused, and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

James D. B. Dyer

Acting Chairman.

T. B. Needles

Commissioner.

C. R. Breckinridge

Commissioner.

Washington, Indian Territory,

JAN 6 1903

Miss. Chas. 6033-
6034-6035

Muskogee, Indian Territory, July 10, 1902.

William Wilson,
Hillsboro, Texas,

Dear Sir:

Receipt is hereby acknowledged of your letter of the 12th instant, wherein you ask for an extension of thirty days in which to introduce additional testimony in support of the applications for identification as Mississippi Choctaws of yourself, Mrs. Laura Wright and Mrs. Fannie Tackett.

It appears from our records that Laura A. Wright and William Wilson are applicants to this Commission for identification as Mississippi Choctaws, claiming descent from the same common ancestor, Martin Aitchley, but it does not appear that any person by the name of Fannie Tackett has applied to this Commission for identification as a Mississippi Choctaw. Our records do show however, that one Mary F. Tackett appeared before this Commission at Muskogee, Indian Territory, on June 17, 1902, and made application for the identification of herself and her minor children, Fazel Dean and Dewitt Tackett, as Mississippi Choctaws, claiming descent from Martin Aitchley. It is presumed that the Mrs. Fannie Tackett named in your letter is identical with Mary F. Tackett who made application for the identification of herself and minor children as Mississippi

William Wilson

Enclosure, above referred to.

You are informed that the Commission will grant the several persons included in these applications until August 24, 1902, within which to introduce additional testimony in support of their claims.

Yours truly,

Commissioner in charge.

Antshute

M.C.R. 2020.

Muskogee, Indian Territory. August 19, 1902.

William Wilson,

Durant, Indian Territory.

*Remailed to Hillsboro Texas
Sept 13. 1902.*

Dear Sir:

Receipt is hereby acknowledged of your letter of the 16th inst., which is also signed by Laura A. Wright and Mary F. Tackett, in which it is requested that the time allowed within which to introduce additional evidence in support of the claims of these persons for identification as Mississippi Choctaws be extended thirty days.

In accordance with your request, you are hereby advised that you will be allowed until Monday, September 15, 1902, within which to introduce such additional evidence.

Yours truly,

Acting Chairman.

Muskogee, Indian Territory, January 6, 1903.

Mansfield, McMurray & Cornish,

Attorneys for the Choctaw and Chickasaw Nations,
South McAlester, Indian Territory.

Gentlemen:

You are hereby advised that on the 6th day of January, 1903, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of William Wilson, et al., embracing the following applications for identification as Mississippi

Choctaws:

William Wilson,	M.C.R. 5835
Mary Frances Tackett, et al.,	M.C.R. 5835
Laura A. Wright, et al.,	M.C.R. 5834

These applications were made under the provision of the act of Congress of June 28, 1898 (30 Stat., 495).

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of William Wilson, Mary Frances Tackett, Jewel Deen Tackett, DeWitt Tackett, Lemuel N. Wilson, Laura A. Wright and Elmer Hayden Wright as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the applications for their identification as such should be refused, and it is so ordered."

You are further advised that the applicants in this case have been allowed fifteen days from the date hereof within which

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to file arguments in this office, and that at the expiration of said time the papers in the case, together with such arguments, will be forwarded to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

SIGNED

James B. Little

Acting Chairman

Muskogee, Indian Territory, January 6, 1903.

B. S. Johnson,

Attorney at Law,

Durant, Indian Territory.

Dear Sir:

You are hereby advised that on the 6th day of January, 1903, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of William Wilson, et al., embracing the following applications for identification as Mississippi

Choctaws:

William Wilson,	M.C.R. 5835
Mary Frances Tackett, et al.,	M.C.R. 5833
Laura A. Wright, et al.,	M.C.R. 5834

These applications were made under the provision of the act of Congress of June 26, 1898 (30 Stat., 495), which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto, and make report to the Secretary of the Interior."

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of William Wilson, Mary Frances Tackett, Jewel Ann Tackett, Della Tackett,

D.S.J.-2

Lemuel E. Wilson, Laura A. Wright and Elmer Hayden Wright as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the applications for their identification as such should be refused, and it is so ordered."

You are further advised that the applicants in this case have been allowed fifteen days from the date hereof within which to file arguments in this office, and that at the expiration of said time the papers in the case, together with such arguments, will be forwarded to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

SIGNED

JAMES BIRBY

Acting Chairman.

Registered.

COPY

Muskogee, Indian Territory, January 6, 1903.

William Wilson,
Emerson, Texas.

Dear Sir:

You are hereby advised that on the 6th day of January, 1903, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of William Wilson, et al., embracing the following applications for identification as Mississippi Choctaws:

William Wilson,	M.C.R. 5835
Mary Frances Tackett, et al.,	M.C.R. 5833
Laura A. Wright, et al.,	M.C.R. 5834

These applications were made under the provision of the act of Congress of June 28, 1895 (30 Stats., 495), which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto, and make report to the Secretary of the Interior."

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of William Wilson, Mary Frances Tackett, Jewel Dean Tackett, Beville Tackett, Lemuel E. Wilson, Laura A. Wright and Elmer Hayden Wright as Choctaw

V. V. -2

Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the applications for their identification as such should be refused, and it is so ordered."

You are further advised that you will be allowed fifteen days from the date hereof within which to file arguments in this office, and that at the expiration of said time the papers in the case, together with such arguments, will be forwarded to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

JAMES DIXON.
Acting Chairman.

Registered.

M.C.R. 5835

Muskogee, Indian Territory, January 22, 1903.

The Honorable,

The Secretary of the Interior.

Sir:

There is transmitted herewith the record in the consolidated case of William Wilson, et al., applicants to the Commission for identification as Mississippi Choctaws, including the Decision of the Commission of January 6, 1903.

The above consolidated case embraces the following original applications for identification as Mississippi Choctaws heard by the Commission:

William Wilson,	M.C.R. 5835
Mary Frances Tackett, et al.,	M.C.R. 5833
Laura A. Wright, et al.,	M.C.R. 5834.

The Commission has the honor to report that the principal applicants in the several separate applications, their attorney of record and the attorneys for the Choctaw and Chickasaw Nations have been duly advised by letter of the action of the Commission, copies of said letters being attached to the record.

Respectfully,

(SIGNED)

Through the Commissioner
of Indian Affairs.

Washington, D.C., Jan. 22, 1903.

T. E. ...

(COPY)

Land

6022-1903.

DEPARTMENT OF THE INTERIOR,

Office of Indian Affairs,

Washington,

February 24, 1903.

The Honorable

The Secretary of the Interior.

Sir:

I have the honor to transmit herewith the record of the Commission to the Five Civilized Tribes in the matter of the application for identification as Mississippi Choctaws of William Wilson, Mary Frances Tackett, for herself and her two children Jewel Deed and DeWitt Tackett, and her minor brother, Lemuel E. Wilson; Laura A. Wright, for herself and her child Elmer Hayden Wright, wherein a decision adverse to the applicants was rendered by the Commission on January 4, 1903.

An examination of the evidence in this case shows that the applicants claim identification as Mississippi Choctaws by reason of their descent from one Martin Atahley, who, it is alleged, was a citizen of the Choctaw Nation and resided in Alabama or Mississippi in 1830.

The Commission rejects these applicants on the ground that its

records fail to show that any one by the name of Martin Atchley ever complied or attempted to comply with the provisions of the 14th article of the Choctaw treaty of 1830.

A search of the records of this office has been made as to the name of Martin Atchley, and it is not found included in the list of those persons who complied or attempted to comply with the provisions of the 14th article of the Choctaw treaty of 1830, and I have, therefore, to recommend that the decision of the Commission rejecting these applicants be approved.

Very respectfully,

(Signed) A. C. Tanner,

Acting Commissioner.

R.B.H. H'r.

3 enclosures.

(COPY)

D C 8429-1903.

DEPARTMENT OF THE INTERIOR.

NAV.

ITD.2230-1903.

Washington.

L.R.S.

March 24, 1903.

Commission to the Five Civilized Tribes,
Muskogee, I. T.

Gentlemen:

January 22, 1903, you transmitted the record in the matter of the applications for identification as Mississippi Choctaws, of William Wilson; of Mary Frances Tackett and her minor children, Jewel Deen Tackett and BeWitt Tackett, and her minor brother Lemuel N. Wilson; and of Laura A. Wright and her minor child, Elmer Hayden Wright. You refused the applications January 6, 1903.

Reporting February 24, 1903, the Acting Commissioner of Indian Affairs recommends approval of your decision. A copy of his letter is inclosed.

The applicants claim rights in Choctaw lands under article 14 of the treaty of September 27, 1830, by reason of being descendants of Martin Atchley, alleged to have been a half blood Choctaw Indian residing in Mississippi in 1830.

The records fail to show that the applicants were ever admitted or enrolled as citizens of the Choctaw Nation, or that said

-2-

Martin Atchley, or a less remote ancestor of the applicants, complied or attempted to comply with said article 14, or with either of the acts of March 3, 1837 (5 Stat., 180), and August 23, 1842 (5 Stat., 513). The Department therefore affirms your decision.

Respectfully,

(Signed) Thos. Ryan,

Acting Secretary.

1 inclosure.

COPY

Muskogee, Indian Territory, March 31, 1903.

Mansfield, McMurray & Cornish,
Attorneys for Choctaw and Chickasaw Nations,
South McAlester, Indian Territory.

Gentlemen:

You are hereby notified that on the 24th day of March, 1903, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of William Wilson, et al., of which decision you were advised by mail on the 6th day of January, 1903.

Respectfully,

(S) (M) (B)

Tams Bixby.

Chairman.

M.C.R. 5835.

COPY.

Muskogee, Indian Territory, March 31, 1903.

B. S. Johnson,

Attorney at Law,

Durant, Indian Territory. .

Dear Sir:

You are hereby notified that on the 24th day of March, 1903, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of William Wilson, et al., of which decision you were advised by registered mail on the 6th day of January, 1903.

Respectfully,

Tams Dixby.
Chairman.

M.C.R. 5838.

Muskogee, Indian Territory, March 31, 1903.

William Wilson,
Emerson, Texas.

Dear Sir:

You are hereby notified that on the 24th day of March, 1903, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of William Wilson, et al., of which decision you were advised by registered mail on the 6th day of January, 1903.

Respectfully,

Tams Bixby.
Chairman.

REFER TO M. C. R. 5835

William Wilson et al

Consolidated Case

Martin Atchley, Jr D
wife
Mary Atchley

Mahela, or
Mahala Atchley D
married
Michael Wilson D

MR
5835

William Wilson, 62, 1/8

wife

Martha Jane Wilson, w.

Larkin C. Wilson, D

Michael Wilson 18 D

wife

Martha T. Wilson L

Laura E Wilson

married

J. L. Crisp

Charles Michael Wilson

wife

Condey Wilson

William R Wilson

wife

Maggie Wilson

John W. Wilson

Jennie Wilson

married

Thomas Moody

Bettie Wilson 22

Carrie Wilson

married

Wallace Welch

William Wilson

MR
5833

Mary Frances Wilson 34 1/16

married

S. G. Tackett, w.

MR
5834

Laura A Wilson, 30 1/16

married

Elisha Wright

MR
5838

Lemuel E Wilson 20, 1/16

Vivian Wilson

Jesse Wilson

Marrin Wilson

Wilson

Wilson

MR
5833

Jewell Dean Tackett, 12

Delwitt Tackett, 10

MR
5834

Elmer Hayden Wright, 3

For Identification as a Mississippi Choctaw.

Date

JUN 17 1902

Name William Wilson -

Age 62 - Blood 1/8

Post-Office Emberson, Texas,

Father: Michael Wilson, d

Mother: Mahala " d

Claims through mother -
 wife, Martha J. Wilson, l. w.
 No claim for wife -

~~XXXXX~~ - - - -
 Claims for self
 alone

Stenographer G. Racemmisal

5838

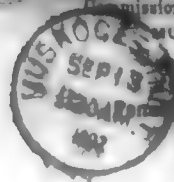
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Department of the Interior.

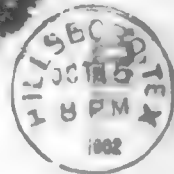
Commission to the Five Civilized Tribes.

MUSKOGEE, IND. TER.



OFFICIAL BUSINESS.

For sale use, \$300.



William Wilson
Hillsboro
Texas

Choctaw MCR 5836

William W. Roy

See MCR 5766

MCR 5836

Department of the Interior.
Commission to the Five Civilized Tribes.
Muskogee, I.T. June 17, 1902.

5836

In the matter of the application for identification as Mississippi Choctaws of William Washington Roy, for himself and his two minor children, John T., and William Albert Roy.

Applicants not represented by attorney.

William Washington Roy being first duly sworn testifies as follows:

Examination by the Commission

- Q What is your name? A William Washington Roy.
Q What is your age? A I am forty, in my fortieth year.
Q Are you forty or forty-one? A I am in my forty-first year.
Q What are you forty or forty-one? A I am forty.
Q What is your post office address? A Fort Smith, Arkansas.
Q How long have you lived at Fort Smith? A I have been there about sixteen years I guess.
Q Where did you live before that? A In Saline County, Missouri.
Q Where were you born? A In Illinois.
Q Where in Illinois? A Bond County.
Q From Illinois you went where? A To Maries County, Missouri.
Q Stayed there how long? A We stayed there--I must have been ten years old when we left there.
Q Then you went where? A Arkansas.
Q Is your father living? A Yes, sir.
Q Is your mother living? A Yes, sir.
Q What was your father's name? A William F. Roy.
Q What is your mother's name? A Margaret Jane Roy.
Q Do you claim your Choctaw blood through your father or mother? A Through my mother.
Q How much Choctaw blood do you claim? A About one-eighth.
Q Has your mother ever been before the Commission to be identified as a Mississippi Choctaw? A Yes, sir.
Q She is the only relative who has been here? A Well my brother and sister.

The case of Margaret J. Roy, number 5766 is here referred to for the purpose of consolidation.

- Q What is your brother's name who has been before the Commission? A Levi P. Roy.
Q Who else? A Hannah Rebecca Williams.
Q Are there any others? A Not that I know of.
Q Have you any other brothers or sisters who have not been before the Commission? A Yes, one sister who was born in Arkansas.
Q Any who have not been before the Commission? A Yes, a sister.
Q What is her name? A Margaret Jane Roy.
Q What is her husband's name? A John T. Roy.
Q Where do they live? A In Fort Smith.

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Q Have they children? A Yes sir.

Q How many? A Four.

Q Can you remember the names? A William Stephens, --- No, his name is Tippedo; that is his second name.

Q What was the father's name of these boys? A Stephen Tippedo.

Q What is the name of the next child? A Walter.

Q Next? A Ethel Barnes.

Q Next? A Medow Barnes.

Q Next-t-t-a? A I think so.

Q Is that all of the children of this sister? A Yes, sir.

Q Have you any other brothers or sisters who have not been here and who are not here now? A I have a sister who has some children but she is dead herself.

Q What was her name? A Martha R. Clark.

Q Give me the names of these children of your deceased sister? A Emma Davis is the one of age and is married.

Q What is her husband's name? A Lit Davis.

Q Where do they live? A Fort Smith.

Q Any others? A Charles Albert.

Q Where does he live? A He is in Colorado.

Q You know his post office address? A No, sir; but I can get it.

Q Is he married? A No, sir.

Q What is the name of the next? A George Clark.

Q Where does he live? A Fort Smith.

Q How old is he? A About sixteen years I guess.

Q Not married? A No, sir.

Q Give me the name of the next? A The call her Ruthie.

Q Girl? A About six years old.

Q Does she live at Fort Smith Arkansas? A Yes; I guess so; there is a post office nearer her but I don't know what it is.

Q Who has charge of her? A Her father M. J. Clark.

Q What is the name of the next? A I don't know of any other.

Q M. J. Clark the father of these children? A Yes, sir.

Q Your sister who is now dead was their mother? A Yes, sir.

Q What was her name? A Martha Ellen Clark.

Q Do you know of any other relatives who may apply here for identification? A No, sir; I do not.

Q Has your mother ever been recognized in any way or enrolled as a member of the Choctaw tribe of Indians by the Choctaw tribal authorities or the United States authorities in Indian Territory? A No, sir.

Q Are you married? A Yes, sir.

Q What is your wife's name? A Belinda Seburn; we call her Lennie.

Q Is she living? A Yes, sir.

Q She is a white woman or Choctaw Indian? A White woman.

Q You make no claim for her? A No, sir.

Q Have you any children you want to make application for? A Yes, sir.

Q Have you any over age and married? A No, sir.

Q What is the name of the eldest? A John T. Roy.

Q How old is John? A He must be about eleven years old.

Q Next? William Albert Roy.

Q How old is William? A He is in his tenth year.

Q He is nine now? A Yes, sir.

Q Next? A That is all.

Q You claim for yourself and two children? A Yes, sir.

Q Is your name on any of the tribal rolls of the Choctaw Nation in Indian Territory? A Yes, sir.

Q It is? Is your name or the name of any of your children on any of the tribal rolls of the Choctaw Nation in Indian Territory? Not that I know of.

- Q You would be pretty apt to know if they were? A Yes, sir.
- Q Have you ever made application for citizenship in the Choctaw Nation for yourself and children to the Choctaw tribal authorities in Indian Territory? A No, sir.
- Q Have you ever made application for citizenship in the Choctaw Nation to the Commission to the Five Civilized Tribes for yourself and children under the act of Congress of June 10, 1896? No, sir.
- Q Have you ever made application for citizenship in the Choctaw Nation to any authority whatever previous to this application that you are now making for yourself and children? A No, sir.
- Q Have you ever been admitted to citizenship in the Choctaw Nation as members of that tribe by either the Choctaw tribal authorities, the Commission to the Five Civilized Tribes or the United States Court in Indian Territory? A No, sir.
- Q Do you now come before the Commission to be identified as a Mississippi Choctaw and to identify your children as Mississippi Choctaws? A Yes, sir.
- Q You claim under article fourteen of the treaty of "Dancing Rabbit Creek" or the treaty of 1830? A I don't understand that treaty.

The treaty of 1830 was made between the United States government and the Choctaw Indians at a place in Mississippi called Dancing Rabbit Creek on the twenty-seventh of September 1830. The object was to remove as far as practicable all the Indians who lived in the old Choctaw Nation from that old Choctaw Nation to the Choctaw Nation, Indian Territory. Before the treaty was signed it became known that a good many Choctaw Indians would not go to the Choctaw Nation Indian Territory and in order to protect the interests of these Indians who stayed back there in the old Choctaw Nation article fourteen was drafted and put into the treaty. Now, that article is, as follows:

"Each Choctaw head of a family being desirous to remain and become a citizen of the States shall be permitted to do so by signifying his intention to the Agent within six months from the ratification of this treaty and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land to be bounded by sectional lines of survey; in like manner shall be entitled to one-half that quantity for each unmarried child which is living with him over ten years of age; and a quarter section to such child as may be under ten years of age, to adjoin the location of the parent. If they reside upon said lands intending to become citizens of the States for five years after the ratification of this treaty in that case a grant in fee simple shall issue; said reservation shall include the present improvement of the head of the family or a portion of it. Persons who claim under this article shall not lose the privilege of a Choctaw citizen but if they ever remove are not to be entitled to any portion of the Choctaw annuity."

- Q You understand that do you? A Yes, sir.
- Q Did any of your ancestors comply or attempt to comply with article fourteen of the treaty of 1830? A No, sir; I think not.

- Q What is the name of your ancestor through whom you claim your right to be identified as a Mississippi Choctaw? A My grandfather Locke.
- Q What was his full name? A George Washington Locke.
- Q L-o-o-k-e? A Well some times it is L-o-o-k-e and some times L-o-o-k.
- Q He was your grandfather? A Yes, sir.
- Q How much Choctaw blood was he? A He was called half.
- Q What was his wife's name, do you remember? A Her name was, -- I know it alright, -- Gordon.
- Q What was her full name? A I believe it was Rebecca Gordon, as well as I remember.
- Q Did he live in Mississippi or Alabama in the old Choctaw Nation in 1830? A I don't know.
- Q Did you ever hear that lived in Mississippi? A Yes, sir.
- Q Where in Mississippi? A I don't know where.
- Q When did he live in Mississippi? A Well it must have been a good while ago. I remember hearing my grandmother talk about it when I was a little boy and he had been dead so long then that very near everybody had forgotten him.
- Q Can you give me the name of any Choctaw ancestor who lived in the old Choctaw Nation either in Mississippi or Alabama in 1830 and was the head of a family there then? A No, sir; I don't believe I can.
- Q You claim through your mother Margaret J. Roy? A Yes, sir.
- Q How old is Margaret J. now? A She must be about fifty.
- Q Where was she born? A I guess in Virginia.
- Q She claims through which parent father or mother? A Her father.
- Q His name was what? A Locke.
- Q Her maiden name was Margaret J. Locke then? A Yes, sir.
- Q Did any of your Choctaw ancestors own any land or claim any land in the old Choctaw Nation under article fourteen of the treaty of 1830? A Not that I know of.
- Q Did they own any improvements on land in the old Choctaw Nation in 1830? A No, sir; not that I know of.
- Q Did any of your Choctaw ancestors within six months from the ratification of the treaty of 1830 go to the United States Indian Agent Colonel Ward and tell him that they wanted to stay in Mississippi take land there and become citizens of the States? A Not that I know of.
- Q Did any of them go from the old Choctaw Nation East of the Mississippi River to the Choctaw Nation Indian Territory with the other Indians between 1833 and 1838 or forty? A I remember my grandmother saying about one of her brothers-in-law, George Washington Locke's brother, that he went away into the new Country West, but I don't know what his name was now.
- Q Never heard that George Washington Locke went or any of your ancestors? A No, sir; he did not go.

The Choctaw Indians who stayed back there in the old Choctaw Nation after the treaty of 1830 was ratified, refusing to go to the Choctaw Nation, Indian Territory under the treaty, with the other Indians, were required if they wanted to take advantage of article fourteen of the treaty, to go to the United States Indian Agent, Colonel Ward within six months from the ratification of the treaty and tell him that they wanted to stay in Mississippi, take land there and become citizens of the States. A great many Choctaw Indians did this whose names Colonel Ward failed to put upon his list known as Ward's register. His failure

to do this caused these Indians, to lose their land in the old Choctaw Nation, the government took it and sold it. This caused a great many complaints among the Choctaw Indians so that in 1837, as well as in 1842, Commissions were appointed under various acts of Congress which went to Mississippi and heard claimants under article fourteen of the treaty of 1830.

- Q Did any of your Choctaw ancestors go before either of these two Commissions and claim benefits under article fourteen of that treaty? A I don't know.
- Q Did any of them receive any scrip from the government of the United States which entitled them to select land either in Mississippi, Alabama, Louisiana or Arkansas? A I don't know; I never heard of any.

This scrip was issued under an act of Congress approved August 23, 1842, and was issued to those Indians who proved their right under article fourteen and also proved that they formerly held land in the old Choctaw Nation which the government had taken from them and sold.

- Q Have you any relatives who have been before the Commission to be identified as Mississippi Choctaws? A My mother, brother and sister.
- Q Your mother's name is Margaret J. Roy? A Yes, sir.
- Q Do you speak the Choctaw language? A No, sir.
- Q Have you any other evidence that you want to introduce now in support of this claim? A No, sir; except what little I might know myself; I don't know whether it would be worth anything at all.
- Q Is there anything more you want to say you can do it, any testimony you want to give now? A Why I reckon not, with the exception if that would be any good. Now, my grandmother has a pocket-book that was made by some of those Indians back there that was presented by her to me and my folks and hers separated on account of the man that she married, they kind of had it in for Ma' on account of the stock that she was; that caused me to remember what I know about the case, my grandmother taught me a whole lot about that just on account of the way things were going in the family. I have the pocket-book which was presented to me by my grandmother on her dying bed; from George W. Leake.
- Q You think that testimony tends to show that you have Choctaw blood? A No, that is what I said; it just kind of referred back to what I know.
- Q Well that pocket-book has nothing to do with your Choctaw ancestry? A No, sir.
- Q Now in connection with that presentation of that pocket-book to you, do you remember whether she made any statements and do you remember these statements because of the presentation of that pocket-book, about her having Choctaw blood and about her having complied with article fourteen of the treaty of 1830? A Yes, sir.
- Q Go on and state it? A The first of it was, I was a little but very young and her and Ma' was talking about the pocket-book and she said that would be mine when I became to be a man; that is what drew my attention to that pocket-book.
- Q I don't want to know anything about the pocket-book; I want to know if the pocket-book has anything to do with you having Choctaw blood? A There would be no use to talk on that any more; she made this talk that that would be the pocket-book and that if my grandfather had lived we would have been in it.

#6

- poor a circumstances as we was, that he would have got his rights
- Q What kind of rights? A Territory rights; his Indian rights; Choctaw rights.
- Q Do you know anything more about that question of getting your rights? A My grandmother and my step-grandfather consulted about going to see a lawyer and see if he could not make a claim on this George W. Locke side on her part; whether they did or not I don't know.
- Q Is that all you recollect, A Yes, sir.

This applicant has the appearance and physical characteristics of being descended from white parentage; he has brown eyes; dark hair; medium dark complexion; whiskers are a lighter brown than his hair. He does not understand the Choctaw language and has no knowledge of compliance on the part of his ancestors with any of the provisions of article fourteen of the treaty of 1830.

G. Rosenwinkel being duly sworn on his oath states that as stenographer to the Commission to the Five Civilized Tribes he reported in full all the proceedings had in the above entitled cause on June 17, 1902, and that the above and foregoing is a full, true and correct transcript of his stenographic notes in said cause on said date of June 1902.

G. Rosenwinkel

Subscribed and sworn to before me this 12 day of July 1902.

Guy L. V. Emerson
Notary Public.

COPY.

M.C.R. 5836

Muskogee, Indian Territory / January 14, 1903.

William W. Roy,

Port Smith, Arkansas.

Dear Sir:

You are hereby advised that on the 14th day of January, 1903, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Margaret Jane Roy, et al., embracing the following applications for identification as Mississippi Choctaws:

Margaret Jane Roy,	M.C.R. 5766
George Washington Clark, et al.,	M.C.R. 5891
William Washington Roy, et al.,	M.C.R. 5836
Levi Pinckney Roy,	M.C.R. 5767
Thomas Roy, et al.,	M.C.R. 5837
John James Roy, et al.,	M.C.R. 5838
Mary Barnes, et al.,	M.C.R. 5890
Hannah Rebecca Ann Coleman,	M.C.R. 5768

These applications were made under the provision of the act of Congress of June 28, 1898 (30 Stats., 498) which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto and make report to the Secretary of the Interior."

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Margaret Jane Roy, George Washington Clark, Ruth Clark, William Washington Roy, John T. Roy, William Albert Roy, Levi Pinckney Roy, Thomas Roy, Eddie Roy, Pearlle Roy, John James Roy, Bessie Viola Roy, Nona Lucille Roy, Kenneth Brookshire Roy, Mary Barnes, Willie S. Tibado, Walter D. Tibado, Ethel M. Barnes, Metto O. Barnes and Hannah Rebecca Ann Coleman as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the applications for their identification as such should be refused, and it is so ordered."

You are further advised that you will be allowed fifteen days from the date hereof within which to file arguments in this office, and that at the expiration of said time the papers in the case together with such arguments will be forwarded to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

(SIGNED)

Fama Birby

Acting Chairman.

Registered.

Muskogee, Indian Territory, January 21, 1903.

William W. Roy,
#206 2nd Street,
Fort Smith, Arkansas.

Dear Sir:

Receipt is hereby acknowledged of your letter of the 22nd ult., to the Secretary of the Interior, and by him referred to this Commission for consideration and appropriate action. You state that Mistress M. J. Roy, the daughter of O. W. Locke, applied as a Mississippi Choctaw, June 19, 1902, and that she has heard nothing of her case since.

In reply to your letter you are informed that it appears from the records of the Commission that Margaret J. Roy, 59 years of age, residence Fort Smith, Arkansas, and certain other persons made applications to this Commission for identification as Mississippi Choctaws claiming descent from the same common ancestor, Hannah Jeffers, through her son, George Jeffers.

The Commission on January 14, 1903, rendered its decision refusing these applications, and on the same date the several applicants were duly notified by registered mail of the action of the Commission and that they were allowed fifteen days from the

M.J.Roy----2

date of said decision within which to file arguments in support of their claims to be forwarded to the Secretary of the Interior. The fifteen days from January 14, 1903, heretofore granted in this case, will expire on January 29, 1903, and, on January 30, 1903, the record, together with such arguments as may be filed, will be forwarded to the Secretary of the Interior.

Respectfully,

Commissioner in Charge.

M.C.R. 5836

COPY:

Muskogee, Indian Territory, March 20, 1903.

William W. Roy,

Fort Smith, Arkansas.

Dear Sir:

You are hereby notified that on the 18th day of March, 1903, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Margaret Jane Roy, et al., of which decision you were advised by registered mail on the 14th day of January, 1903.

Respectfully,

(SIGNED).

Tams Bixby.
Chairman.

C O P Y

Fort Smith ark Oct 26 1903

Mr Dowes Commissioner

please let Mr. William W. Roy have a copy of My Case and Oblidge.

M J Roy

For Identification as a Mississippi Choctaw.

Date

JUN 17 1902

Name William W. Roy.

Age 40 Blood 1/8

Post-Office, Fort Smith, Ark.

Father: William F. Roy. l.

Mother: Margaret J. " l.

Claims through mother —
wife * Pelinda Ann Roy, l.w.

No claim for wife.

Children:

John T. Roy. 11

William A. " 9

Claims for self &
2 children

Stenographer V. Rosenmiller

Choctaw MCR 5837

Thomas Roy

See MCR 5766

MCR 5837

Department of the Interior
Commission to the Five Civilized Tribes
Muskogee, I.T. June 17, 1902.

1829

In the matter of the application for Identification as Mississippi Shooters of Thomas Ray, for himself and his two minor children, Eddie and Pearl Ray.

Applicants not represented by attorney.

Thomas Ray being first duly sworn testifies as follows:

Examination by the Commission

- Q What is your name? A Thomas Roy.
Q What is your age? A Thirty years old. Thirty-five.
Q Thirty-five? A Yes, sir.
Q What is your post office address? A Fort Smith,
Q Arkansas? A Yes, sir.
Q How long have you lived at Fort Smith? A About ten or twelve
years.
Q Where did you live before that? A In Missouri.
Q Where were you born? A Leadate County, Missouri.
Q Did you always live in Missouri until you went to Fort Smith?
A Yes, sir.
Q Is your father living? A Yes sir.
Q Is your mother living? A Yes, sir.
Q What is your father's name? A W. F. Ray.
Q William? A Yes, sir.
Q What is your mother's name? A Margaret J. Ray.
Q Has she been before the Commission to be identified as a
Mississippi Choctaw? A Yes, sir.
Q You claim your Choctaw blood through your mother? A Yes, sir.
Q How much Choctaw blood do you claim? A One-eighth.
Q Has your mother ever been recognized in any way enrolled as
a member of the Choctaw tribe of Indians by the Choctaw tribal
authority or the United States authority in Indian Territory?
A No, sir.
Q Are you married? A Yes, sir.
Q What is your wife's name? A Mattie Ray.
Q She is living and a white woman? A Yes, sir.
Q How many children have you and how many do you want to make
application for? A None.
Q What is the name of the oldest? A Mattie.
Q How old is Mattie? A Mattie is ten years old.
Q What? A Mattie.
Q How old is Mattie? A Yes, sir.
Q What? A Mattie.
Q How old is Mattie? A Yes, sir.

- Q Is Mattie Roy the mother of these children? A Yes, sir.
 Q You are the father? A Yes, sir.
 Q They live with you at your home? A Yes, sir.
 Q Were either you or your wife married before you married each other? A My wife was.
 Q Was she divorced or did her husband die? A She was divorced.
 Q She has no Chectaw blood? A No, sir.
 Q When and where were you married to your wife Mattie Roy? A Little Rock, Arkansas.
 Q Give the day of the month and year if you can? A I can't do it.
 Q Have you proof of that marriage with you? A No, sir; I have not.
 Q You could introduce that evidence within a few days? A I could not neither because I sent my things to Ardmore and my things all got burned I guess on the road.

You should introduce evidence if you can to show that you were legally married to your wife in order to support the application you make for these children and you will be allowed until the first of July 1902, in which to introduce that testimony and also any other testimony in support of this case.

- Q Have you made application for citizenship in the Chectaw Nation for yourself and your son Eddie to the Chectaw tribal authorities in Indian Territory? A No, sir.
 Q Have you ever made application for citizenship in the Chectaw Nation to the Dawes Commission under the act of Congress of June 10, 1896? A No, sir.
 Q Have you or your oldest son ever been admitted to citizenship in the Chectaw Nation by either the Chectaw tribal authorities, the Commission to the Five Civilized Tribes or the United States Court in Indian Territory? A No, sir.
 Q Is this the first application you have ever made for citizenship in the Chectaw Nation for yourself and children either to the Chectaw tribal authorities or the United States authorities in Indian Territory? A Yes, sir.
 Q Do you now come before the Commission to identify yourself and these children as Mississippi Chectaws claiming under article fourteen of the treaty of 1830? A Yes, sir.
 Q Do you understand that article? A I don't exactly understand it.

The treaty of 1830 was made between the United States government and the Chectaw Indians at a place in Mississippi, called Dancing Rabbit Creek. This treaty was made on the 27th day of September of that year. The object of the treaty was to remove the Chectaw Indians from the old Chectaw Nation, East of the Mississippi River, to the Chectaw Nation Indian Territory. Before the treaty was signed it became known that a good many Chectaw Indians would not go to the Chectaw Nation, Indian Territory, under the treaty; in order therefore to protect the interests of these Indians who elected to remain back there in the old Chectaw Nation, article fourteen was drafted and put into the treaty of 1830. The treaty was then signed and later on the 24th day of February 1881 it was ratified. It reads, as follows:

"Each Chectaw head of a family being desirous to remain and become a citizen of the States shall be permitted to do so by signifying in intention to the Agent within six months from the ratification of this treaty and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land to be bounded by sectional lines of survey; in like manner shall be entitled to one half that quantity for each unmarried child which is living with him over ten years of age;

and a quartersection to such child as may be under ten years of age, to adjoin the location of the parent. If they reside upon said lands intending to become citizens of the States for five years after the ratification of this treaty in that case a grant in fee simple shall issue; said reservation shall include the present improvement of the head of the family or a portion of it. Persons who claim under this article shall not lose the privilege of a Choctaw citizen but if they ever remove are not to be entitled to any portion of the Choctaw annuity."

- Q Do you know if any of your Choctaw ancestors complied or attempted to comply with article fourteen of that treaty? A No, sir.
- Q What is the name of your ancestor through whom you claim your right to be identified as a Mississippi Choctaw? A George Washington Locke.
- Q He was how related to you? A He was my grandfather.
- Q How much Choctaw blood did he have? A Claimed one-half.
- Q Do you remember his wife's name? A No, sir; I do not.
- Q How old would he be if living now? A I don't know.
- Q Did he live in Mississippi or Alabama? A I heard him say he lived in Alabama.
- Q You heard whom say so? A My mother.
- Q Did he live in the old Choctaw Nation in Mississippi? A I could not say; I never seen him.
- Q How old would he be if living now? A I could not say.
- Q Could he speak the Choctaw language? A I could not say.
- Q Do you know whether he lived in Mississippi in the old Choctaw Nation in 1830 and was the head of a family there then? A I have heard my mother say that he lived there.
- Q At what time? A I don't remember.
- Q You don't know about the year 1830 whether he lived there then? No, sir.
- Q Or whether he had a family of children living with him? A No, sir; I don't know.
- Q Did any of your Choctaw ancestors own any land or claim any land in the old Choctaw Nation in Mississippi or Alabama under article fourteen of the treaty of 1830? A Not that I know of.
- Q Did any of your Choctaw ancestors own any improvements on land in Mississippi or Alabama in the old Choctaw Nation in 1830? No, sir; not that I knew of.
- Q Did any of your Choctaw ancestors within six months from the ratification of the treaty of 1830 go to the United States Indian Agent Colonel Ward and tell him that they wanted to stay in Mississippi, take land there and become citizens of the States? A Not that I knew of.
- Q Did any of your Choctaw ancestors go from that old Choctaw Nation to the Choctaw Nation, Indian Territory, East of the Mississippi River to the Choctaw Nation, Indian Territory between 1833 and 1838 or forty with the other Indians? A I don't know.

The Indians who lived in Mississippi after the treaty of 1830 was ratified were required if they wanted to take advantage of the provisions of article fourteen of that treaty to go to the United States Indian Agent Colonel Ward within six months from the ratification of the treaty and tell him that they wanted to stay in Mississippi, take land there and become citizens of the States. A great many Choctaw Indians did this when James Colonel Ward failed to put upon his list known as Ward's register and his neglect to properly register them caused a good many

Indians who had land in Mississippi upon which they had improvements, and Alabama in the old Choctaw Nation, to lose them both, their land and the improvements. The government took them both and sold them at its public land sales. This caused so many complaints among the Choctaw Indians that in 1837 as well as in 1842 under various acts of Congress Commissions were appointed which went to Mississippi and heard claimants under article fourteen of the treaty of 1830.

- Q Do you know whether any of your Choctaw ancestors went before either of these two Commissions and claimed any benefits under that article of that treaty? A No, sir.
- Q Did any of your Choctaw ancestors receive any scrip from the government which entitled them to select land either in Mississippi, Alabama, Louisiana or Arkansas to take the place of land which they had once held in the old Choctaw Nation which the government had taken from them and sold? A No, sir.

This scrip or these certificates were issued under an act of Congress approved August 23, 1842.

- Q What relation is Margaret J. Roy to you? A My mother.
- Q Is William W. Roy your brother? A Yes, sir.
- Q Have you other relatives who have also been before the Commission to be identified? A Yes, sir.
- Q You would like to have this application consolidated under the case of Margaret J. Roy, M.C.R. 5766? A Yes, sir.

The case of Margaret J. Roy, M.C.R. 5766 is here referred to for the purpose of consolidation.

- Q Do you speak or understand the Choctaw language? A No, sir; I do not.
- Q Is there anything more you want to say now in support of this claim? A No, sir.

This applicant has the appearance and physical characteristics of being descended from white parentage; dark brown hair; light brown mustache; medium dark complexion; brown eyes. He does not speak or understand the Choctaw language and has no knowledge of compliance on the part of his ancestors with any of the provisions of article fourteen of the treaty of 1830.

G. Rosenwinkel being duly sworn on his oath states that as stenographer to the Commission to the Five Civilized Tribes he reported in full all the proceedings had in the above entitled cause on June 17, 1902, and that the above and foregoing is a full, true and correct transcript of his stenographic notes in said cause on said date of June 1902.

G. Rosenwinkel

Subscribed and sworn to before me this 12 day of July 1902.

Guy L. V. Emerson
Notary Public.

COPY.

M.C.R. 5837

Muskogee, Indian Territory, January 14, 1903.

Thomas Roy,

Fort Smith, Arkansas.

Dear Sir:

You are hereby advised that on the 14th day of January, 1903, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Margaret Jane Roy, et al., embracing the following applications for identification as Mississippi Choctaws:

Margaret Jane Roy,	M.C.R. 5766
George Washington Clark, et al.,	M.C.R. 5891
William Washington Roy, et al.,	M.C.R. 5836
Levi Pinckney Roy,	M.C.R. 5767
Thomas Roy, et al.,	M.C.R. 5837
John James Roy, et al.,	M.C.R. 5838
Mary Barnes, et al.,	M.C.R. 5890
Hannah Rebecca Ann Coleman,	M.C.R. 5768

These applications were made under the provision of the act of Congress of June 28, 1898 (30 Stats., 495) which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto and make report to the Secretary of the Interior."

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Margaret Jane Roy, George Washington Clark, Ruth Clark, William Washington Roy, John T. Roy, William Albert Roy, Levi Pinckney Roy, Thomas Roy, Eddie Roy, Pearlle Roy, John James Roy, Bessie Viola Roy, Mona Lucille Roy, Kenneth Brookshire Roy, Mary Barnes, Willie S. Tibado, Walter D. Tibado, Ethel M. Barnes, Metto O. Barnes and Hannah Rebecca Ann Coleman as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the applications for their identification as such should be refused, and it is so ordered."

You are further advised that you will be allowed fifteen days from the date hereof within which to file arguments in this office, and that at the expiration of said time the papers in the case together with such arguments will be forwarded to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

(SIGNED)

Tamm Dixey.
Acting Chairman.

Registered.

M.C.R. 5837

COPY.

Muskogee, Indian Territory, March 20, 1903.

Thomas Roy,

Fort Smith, Arkansas.

Dear Sir:

You are hereby notified that on the 10th day of March, 1903, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Margaret Jane Roy, et al., of which decision you were advised by registered mail on the 14th day of January, 1903.

Respectfully,

(SIGNED)

Tame Dixby

Chairman.

No. 5837

For Identification as a Mississippi Choctaw.

Date

JUN 17 1902

Name Thomas Roy -

Age 35 - Blood 1/8

Post-Office, Fort Smith, Ark.

Father: William F. Roy - l.

Mother: Margaret J. - l.

Claims through mother -
wife

Matthie Roy. l. w.
No claim for wife -

Children:

Eddie Roy. 10

Pearlie .. F. 1

Claims for self &
children -

G. R. ...

Choctaw MCR 5838

John J. Roy

See MCR 5766

MCR 5838

Department of the Interior
Commission to the Five Civilized Tribes,
Muskegee, I.T. June 17, 1908.

5232

In the matter of the application for identification as Mississippi Choctaws of John James Roy, for himself and his three minor children, Bessie Viola, Mona Lucille and Kenneth Brookshire Roy.

Applicants not represented by attorney.

John James Roy being first duly sworn testifies as follows:

Examination by the Commission

- Q What is your name? A John James Roy.
Q What is your age? A Thirty-two.
Q What is your post office address? A Fort Smith, Arkansas.
Q How long have you lived at Fort Smith? A About sixteen years.
Q Where did you live before that? A Missouri, Saline County.
Q Where were you born? A Lebanon County.
Q You lived in Missouri until you went to Arkansas? A Yes, sir.
Q Is your father living? A Yes, sir.
Q Is your mother living? A Yes, sir.
Q What is your father's name? A William F. Roy.
Q What is your mother's name? A Margaret Jane Roy.
Q Through which parent do you claim Choctaw blood? A Mother.
Q How much do you claim? A About an-eighth I think.
Q Has your mother ever been before this Commission to be identified as a Mississippi Choctaw? A Yes, sir.
Q Has she ever been enrolled or recognized as a Choctaw Indian by the Choctaw tribal authorities or the United States authorities? A No, sir.
Q Are you married? A Yes, sir.
Q What is your wife's name? A Bessie Roy.
Q Is she living and a white woman? A Yes, sir.
Q Do you make any claim for her as a Choctaw Indian? A No, sir.
Q What are the names of your children under twenty-one years of age? A Bessie Viola Roy.
Q What is her age? A She is about six years old; yeah six.
Q Next? A Mona Lucille Roy.
Q I-u-n-d-i-l-l-e? A Yes, sir.
Q How old is she? A She is four.
Q Do you claim for yourself and these two children? A And another child.
Q What is the name? A Kenneth Brookshire Roy.
Q K-e-n-n-e-t-h? A Yes, sir.
Q How old is Kenneth? A He will be a year old.
Q You call him a year? A Yes, sir.
Q Is Bessie Roy the mother of these children? A Yes, sir.
Q You are the father? A Yes, sir.
Q Are you and your wife and these children living together at your home? A Yes, sir.
Q Were either you or your wife married before you married each other? A No, sir.
Q Can you give us the date of your marriage to your wife? A Yes, the 15th of January 1906.

#2

- Q It is only 1902 now? A 1893.
 Q Were you married by a minister and under a license? A I was married by a Justice of the Peace.
 Q Have you proof of that marriage with you now? A No, sir; not with me.
 Q You think you could introduce that later? A Yes, sir.

You will be given until the first day of July 1902 in which to introduce evidence of your marriage and also any other proper evidence to be submitted to the Commission.

- Q Is your name on any of the tribal rolls of the Choctaw Nation in Indian Territory? A No, sir.
 Q Are the names of any of your children on these rolls? A No, sir.
 Q Have you ever made application for citizenship in the Choctaw Nation to the Choctaw tribal authorities in Indian Territory? No, sir.
 Q Have you ever made application for citizenship in the Choctaw Nation to the Commission to the Five Civilized Tribes for yourself and children under the act of Congress of June 10, 1896? A No, sir.
 Q Is this the first application of any kind that you have ever made for yourself and children for citizenship in the Choctaw Nation to any authority whatever? A Yes, sir.
 Q Have you or your children ever been enrolled as members of the Choctaw tribe of Indians in Indian Territory either by the Commission to the Five Civilized Tribes, the United States Court in Indian Territory or the Choctaw tribal authorities? A No, sir.
 Q Do you now come before the Commission to identify yourself and these three minor children as Mississippi Choctaws? A Yes, sir.
 Q You claim under article fourteen of the treaty of 1830? A Yes, sir.
 Q Do you understand that article? A Yes, sir.

It reads, as follows:

"Each Choctaw head of a family being desirous to remain and become a citizen of the States, shall be permitted to do so, by signifying his intention to the Agent within six months from the ratification of this treaty and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land to be bounded by sectional lines of survey; in like manner shall be entitled to one half that quantity for each unmarried child which is living with him over ten years of age; and a quarter section to such child as may be under ten years of age, to adjoin the location of the parent. If they reside upon said lands intending to become citizens of the States for five years after the ratification of this treaty in that case a grant in fee simple shall issue; said reservation shall include the present improvement of the head of the family or a portion of it. Persons who claim under this article shall not lose the privilege of a Choctaw citizen but if they ever remove are not to be entitled to any portion of the Choctaw annuity."

- Q What is the name of your ancestor through whom you claim the right to be identified as a Mississippi Choctaw? A Look.
 Q Full name, Jim Look? A George Washington Look.
 Q Did any of your Choctaw ancestors comply or attempt to comply with article fourteen of the treaty of 1830? A No, sir; not that I know of.

- Q Did George Washington Locke live in Mississippi in 1830? A I don't know.
- Q Did any of your Choctaw ancestors to your knowledge live in Mississippi in 1830 and have a family of children there then? A I could not say.
- Q You never heard? A No, sir.
- Q What relation was George W. Locke to you? A My grandfather.
- Q How much Choctaw blood did he have? A He claimed half.
- Q How old would he be if living now? A I don't know.
- Q Where was he born? A I don't know that even.
- Q Don't know when he was born? A No, sir.
- Q Where and when he died? A I don't know.
- Q Where he lived during any portion of his life? A I never asked a place that he lived at.
- Q You know whether he claimed through his father or mother? A I don't know.
- Q You claim through your mother? A Yes, sir.
- Q Where was she born? A I heard that she was born and raised in Virginia.
- Q When she left Virginia where did she go? A I could not say.
- Q Where is she living now? A Fort Smith, Arkansas.
- Q How long has she been living there? A About 16 or 17 years.
- Q Do you know where she came from to Arkansas? A From Missouri.
- Q You know how long she lived in Missouri? A No; but she was there most of her life I think.
- Q You know where she came from when she went to Missouri? A I don't know; I was born there in Missouri.
- Q She claimed through George W. Locke her father? A Yes, sir.
- Q Her maiden name was Locke then? A Yes, sir.
- Q Did any of your Choctaw ancestors own any land or claim any land in the old Choctaw Nation in Mississippi or Alabama under article fourteen of the treaty of 1830? A Not as I heard of.
- Q Did any of your Choctaw ancestors own or claim any improvements in the old Choctaw Nation in 1830? A Not that I know of.
- Q Did any of your Choctaw ancestors go from that old Choctaw Nation East of the Mississippi River to the Choctaw Nation Nation, Indian Territory, with the other Indians between 1833 and 1838 or forty? A I don't know.
- Q Did any of them within six months from the ratification of the treaty of 1830 go to the United States Indian Agent Colonel Ward who had an agency in Mississippi at that time and signify to him their intention to stay in Mississippi, take land there and become citizens of the States? A I heard they never did take any claim.

The Choctaw Indians who remained in the old Choctaw Nation East of the Mississippi River after the treaty of 1830 was ratified were required if they wanted to take advantage of article fourteen of the treaty of 1830 to go to the United States Indian Agent Colonel Ward within six months from the ratification of the treaty and tell him that they wanted to stay in Mississippi, take land there and become citizens of the State. A great many Choctaw Indians did this whose names Colonel Ward neglected to put upon his list known as Ward's register. His failure to do so caused a good many Indians who had land in Mississippi upon which they had improvements to lose both their land and the improvements; both were taken from them by the government and sold at its public land sales. This caused so many complaints among the Choctaw Indians, especially those who lost their land, that Congress appointed two commissions, one in 1837 and another in 1842. These commissions went to Mississippi and heard claims under article fourteen of the treaty of 1830.

#4

- Q Do you know if any of your Choctaw ancestors went before either of these two Commissions and proved their rights under article fourteen or attempted to prove them in any way? A I don't know.
- Q Did any of your Choctaw ancestors receive any scrip from the government which entitled them to select land either in Mississippi, Alabama, Louisiana or Arkansas? A Not that I ever heard of.

These certificates or scrip as they were called then were issued under the Act of Congress approved August 23, 1842, and were given to those Indians who proved that they had complied with article fourteen and also proved that their land in Mississippi and Alabama in the old Choctaw Nation from them by the government and sold.

- Q Do you speak or understand the Choctaw language? A No, sir.
- Q What relation is Margaret J. Roy to you? A That is my mother.
- Q She has been before the Commission? A Yes, sir.
- Q And other relatives? A Yes, sir.
- Q You want to have all of these cases consolidated under your mother's case? A Yes, sir.

The case of Margaret J. Roy, mother of this applicant, M.C.R. 5766 is here referred to for the purpose of consolidation.

- Q Is there anything more you want to say in support of this claim? A No, sir.
- Q You have no other witness to present now? A No, sir.

This applicant has the appearance and physical characteristics of being descended from white parentage; he has no knowledge of the Choctaw language and no knowledge of compliance on the part of his ancestors with any of the provisions of article fourteen of the treaty of 1830.

G. Rosenwinkel being duly sworn on his oath states that as stenographer to the Commission to the Five Civilized Tribes he reported in full all the proceedings had in the above entitled cause on June 17, 1902, and that the above and foregoing is a full, true and correct transcript of his stenographic notes in said cause on said date of June 1902.

Subscribed and sworn to before me this 19th day of July 1902.

Guy L. V. Emerson
Notary Public.

COPY.

M.C.R. 5838

Muskogee, Indian Territory, January 14, 1903.

John J. Roy,

Fort Smith, Arkansas.

Dear Sir:

You are hereby advised that on the 14th day of January, 1903, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Margaret Jane Roy, et al., embracing the following applications for identification as Mississippi Choctaws:

Margaret Jane Roy,	M.C.R. 5766.
George Washington Clark, et al.,	M.C.R. 5891
William Washington Roy, et al.,	M.C.R. 5836
Levi Pinckney Roy,	M.C.R. 5767
Thomas Roy, et al.,	M.C.R. 5837
John James Roy, et al.,	M.C.R. 5838
Mary Barnes, et al.,	M.C.R. 5890
Hannah Rebecca Ann Coleman,	M.C.R. 5768

These applications were made under the provision of the act of Congress of June 28, 1898 (30 Stats., 495) which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto and make report to the Secretary of the Interior."

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Margaret Jane Roy, George Washington Clark, Ruth Clark, William Washington Roy, John T. Roy, William Albert Roy, Levi Pinckney Roy, Thomas Roy, Eddie Roy, Pearlle Roy, John James Roy, Beasie Viola Roy, Hona Lucille Roy, Kenneth Brookshire Roy, Mary Barnes, Willie S. Tibado, Walter D. Tibado, Ethel M. Barnes, Mette G. Barnes and Hannah Rebecca Ann Coleman as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the applications for their identification as such should be refused, and it is so ordered."

You are further advised that you will be allowed fifteen days from the date hereof within which to file arguments in this office, and that at the expiration of said time the papers in the case together with such arguments will be forwarded to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

D. ENEDL

Acting Chairman.

Registered.

M.C.R. 5838

COPY.

Muskogee, Indian Territory, March 30, 1903.

John J. Roy,

Fort Smith, Arkansas.

Dear Sir:

You are hereby notified that on the 10th day of March, 1903, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Margaret Jane Roy, et al., of which decision you were advised by registered mail on the 14th day of January, 1903.

Respectfully,

Tamm D. D. D.
Chairman.

For Identification as a Mississippi Choctaw.

Date

JUN 17 1902

Name John T. Roy.

Age 32

Blood

"18

Post-Office, Fort Smith, Ark.

Father: William T. Roy. l

Mother: Margaret J. " l.

Claims through mother

wife.

Hattie Roy. l. w.

No claim for wife -

Children:

Bessie Viola Roy, 6

Kona Lucille " 4

Kenneth B. " (M.) 1

Claims for self &

children. - -

Grapher

L. Rosenwally

Choctaw MCR 5839

Lucy Waltrip

See MCR 5840, 5841, 3053
4776, 5908, 5907

Supplemental To 3386

MCR 5839

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

-----O-----

In the matter of the application of Lucy Waltrip, et al.,
for identification as Mississippi Choctaws, consolidating the ap-
plications of:

Lucy Waltrip, et al.,	M C R 5839
John B. Waltrip,	M C R 5840
William M. Waltrip,	M C R 5841
Aud Bentley, et al.,	M C R 3053
Jake Hardy, et al.,	M C R 4776
Ustacia Moore,	M C R 5908
Nancy Counts, et al.,	M C R 5907

-----O-----

List of papers forwarded to the Secretary of the
Interior, comprising the record in the consolidated case
of Lucy Waltrip, et al., M C R 5839.

Page:

Original application of Lucy Waltrip, et al.,
before the Dawes Commission for identification as Mis-
sissippi Choctaws, 1

Affidavit of Lucy J. Waltrip, 6

Original application of John B. Waltrip, before
the Dawes Commission for identification as a Missis-
sippi Choctaw, 7

Affidavit of John B. Waltrip, 11

Original application of William M. Waltrip, before
the Dawes Commission for identification as a Missis-
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Affidavit of William M. Waltrip,.....	17
Original application of Aud Bentley, et al., before the Dawes Commission for identification as Mississippi Choctaws.....	18
Affidavit of Sarah Benson,.....	25
Affidavit of Matilda Britton,.....	26
Affidavit of Lucinda Americus Stanford,.....	27
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Affidavit of Mrs. Elizabeth Mullen,	29
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Original application of Jake Hardy, et al., before the Dawes Commission for identification as Mississippi Choctaws.....	31
Affidavit of M. M. Hardy,.....	36
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Original application of Nancy Counts, et al., be- fore the Dawes Commission for identification as Missis- sipi Choctaws.....	44
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Department of the Interior
Commission to the Five Civilized Tribes
Muskogee, I.T. June 17, 1902.

5839

In the matter of the application for identification as Mississippi Choctaws of Lucy Waltrip, for herself and her minor child, Luther G. Waltrip.

B. S. Johnson, attorney for applicants.

Lucy Waltrip being first duly sworn testifies as follows:

Examination by the Commission

Q What is your name? A Lucy Waltrip.
Q What is your age? A Forty-one.
Q Post office address? A Durant? A Indian Territory.
Q How long have you lived at Durant? A About a week.
Q Where did you live before that? A Preston, Texas.
Q Where were you born? A Alabama, Franklin County.
Q How old were you when you left Alabama? A Thirty-two.
Q You married in Alabama? A Yes, sir.
Q You went from there where? A Good County, Texas.
Q Have you lived in Texas until you came to Durant? A Yes sir.
Q Is your father living? A No, sir.
Q Is your mother living? A Yes, sir.
Q What was your father's name? A Garrett Hall.
Q What is your mother's name? A Sarah A. Benson.
Q Has she been before the Commission to be identified as a Mississippi Choctaw? A Yes, sir.
Q You claim through your mother? A Yes, sir.
Q Your father was white I suppose? A Yes, sir.
Q No Choctaw blood? A No, sir; none at all.
Q How much Choctaw blood do you claim? A One-sixteenth.
Q Has your mother ever been recognized in any way or enrolled as a member of the Choctaw tribe of Indians by the Choctaw tribal authorities or the United States authorities in Indian Territory? A No, sir.
Q What is the name of your husband? A J. P. Waltrip.
Q Is he living? A Yes, sir.
Q Is he a Choctaw Indian or white man? A White man.
Q You make no claim for him as a Choctaw? A No, sir.
Q How many children have you? A One minor.
Q What is the name of that child? A Luther G.
Q Have you any children ever ago and married? A Yes; two.
Q What are their names? A John B.
Q The name of the other is what? A William B.
Q What is the age of Luther? A He is nineteen.
Q You claim for yourself and minor child? A Yes, sir.
Q Is J. P. Waltrip the father of those minor children and also the other two boys who are of age? A Yes, sir.
Q Are you and your husband living together as husband and wife and is Luther living with you? A Yes, sir.

- Q Is your name on any of the tribal rolls of the Choctaw Nation in Indian Territory? A No, sir.
- Q Have you ever been admitted to citizenship in the Choctaw Nation by the Choctaw tribal authorities in Indian Territory? A No, sir.
- Q Have you ever made application for citizenship in the Choctaw Nation to the Commission to the Five Civilized Tribes under the act of Congress of June 10, 1896? A No, sir.
- Q Have you ever been admitted with your son Luther G. to citizenship in the Choctaw Nation by either the Choctaw tribal authorities, the Commission to the Five Civilized Tribes or the United States Court in Indian Territory? A No, sir.
- Q Do you now come before the Commission to be identified as a Mississippi Choctaw and to identify your son Luther as a Mississippi Choctaw claiming under article fourteen of the treaty of 1830? A Yes, sir.
- Q Do you understand that article of that treaty? A No, sir.

The treaty of 1830 was made between the United States government and the Choctaw Indians at a place in Mississippi called Dancing Rabbit Creek on the twenty-seventh of September of that year. The object of the treaty was to secure the removal, as far as possible, of all the Choctaw Indians from the old Choctaw Nation, East of the Mississippi River to the Choctaw Nation Indian Territory. Before the treaty was signed it became known that a good many Choctaw Indians would not go to the Choctaw Nation, Indian Territory, under the treaty and in order to protect the interests of those people who remained back there in the old Choctaw Nation article fourteen was put into the treaty of 1830. The treaty was then signed and afterwards became ratified. It reads as follows:

"Each Choctaw head of a family being desirous to remain and become a citizen of the States shall be permitted to do so by signifying his intention to the Agent within six months from the ratification of this treaty and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land to be bounded by sectional lines of survey; in like manner shall be entitled to one-half that quantity for each unmarried child which is living with him over ten years of age; and a quarter section to such child as may be under ten years of age, to adjoin the location of the parent. If they reside upon said lands intending to become citizens of the States for five years after the ratification of this treaty in that case a grant in fee simple shall issue; said reservation shall include the present improvement of the head of the family or a portion of it. Persons who claim under this article shall not lose the privilege of a Choctaw citizen but if they ever remove are not to be entitled to any portion of the Choctaw annuity."

- Q Do you know if any of your Choctaw ancestors complied with any of the provisions of that article? A No, sir.
- Q What is the name of your ancestor through whom you claim your right to be identified? A Phillip Gates.
- Q Are there two "l's" in that name or one? A Two.
- Q What relation was Phillip Gates to you? A My great grandfather.
- Q How much Choctaw blood did he have? A Half.
- Q Did Phillip Gates live in Mississippi or Alabama at any time? A He lived in Alabama.
- Q Did he live there in the year 1830 do you know? A No, sir; I don't know.

- Q Can you give me the name of any ancestor of yours who did live in the old Choctaw Nation East of the Mississippi River in Mississippi or Alabama and was the head of a family there then?
A No, sir.
- Q Do you know through whom Phillip Gates claimed his Choctaw blood? A His mother lived there but I don't know what her name was.
- Q You claim through your mother? A Yes, sir.
- Q She has been before the Commission? A Yes, sir.
- Q Sarah A. Benson, do you want to have your case consolidated with the case of your mother? A Yes, sir.
- Q You want to have the cases of other relatives of yours who claim through the same ancestor considered in connection with your case? A Yes, sir.

The case of Sarah A. Benson, M.C.R. 3407, is here referred to for the purpose of consolidation.

- Q You say that this is your mother? Sarah A. Benson? A Yes, sir.
- Q Your grandfather's name is what? A Valentine Gates.
- Q What was your grandmother's name? A Lucinda Gates.
- Q Her maiden name was Henley? A Yes, sir.
- Q Valentine Gates is the Choctaw ancestor? A Yes, sir.
- Q He claimed through whom father or mother? A Through Phillip Gates.
- Q That is your grandfather? A Yes, sir.
- Q You are not able to give the name of any ancestor who lived in Mississippi in 1830? A No, sir; my grandfather lived in Mississippi but I don't know whether he lived there in 1830 or not.
- Q Who did live in Mississippi, of your ancestors, in 1830? A I don't know.
- Q Who was it of your ancestors who lived in the old Choctaw Nation in Alabama? A Well Valentine Gates and Phillip Gates I think did.
- Q Do you know whether Valentine Gates had a family living there in 1830 or not? A I think he did because my mother was born in 1828 and she was born in Alabama.
- Q So it is Valentine Gates who had a family living in Alabama in 1830? A Yes, sir.
- Q You claim through him rather than Phillip Gates? A Yes, sir.
- Q Going back, of course, you claim your Choctaw blood through Phillip? A Yes, sir.
- Q Do you think that Valentine Gates, who lived in Alabama in 1830, complied or attempted to comply in any way with article fourteen of the treaty of 1830? A Not that I know of.
- Q How much Choctaw blood did Valentine Gates have? A One-quarter.
- Q Do you know what his wife's name was? A Lucinda.
- Q Do you know how many children he had living with him in the old Choctaw Nation in Alabama? A Eleven children.
- Q Your mother Sarah was one of them? A Yes, sir.
- Q How old is she now? A Seventy-four years now.
- Q Born when? A In 1828.
- Q Where was she born? A In Franklin County, Alabama.
- Q Did any of your Choctaw ancestors, Valentine Gates or Phillip Gates own any land, or claim any land, in Mississippi or Alabama in 1830 under article fourteen of that treaty? A Not that I know of.
- Q Did any of your Choctaw ancestors own any improvements on land in the old Choctaw Nation in Alabama in 1830? A No, sir; not that I know of.
- Q Don't know whether Valentine Gates ever did have any land or any improvements? A He owned land in that country.

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- Q Where did he get it? A He bought it.
- Q You know what was done with that land? A It was sold and the heirs divided it.
- Q Sold to whom? A I don't know.
- Q From whom did they buy that land? A I could not say for certain.
- Q What kind of a looking man was Valentine Gates? A I never seen him.
- Q Did any of your Choctaw ancestors, your grandfather Valentine Gates, or your great grandfather Phillip Gates, within six months from the ratification of the treaty of 1830, go to the United States Indian Agent Colonel Ward and tell him that they wanted to stay in Mississippi, take land there and become citizens of the States? A Not that I know of.
- Q Did any of them go from that old Choctaw Nation, East of the Mississippi River to the Choctaw Nation, Indian Territory with the other Indians between 1833 and 1838? A No, sir.
- Q Did Valentine Gates or Phillip Gates either of them have any Choctaw Indian names? A I don't know.
- Q Do you know whether either of them spoke the Choctaw language? A No, sir.

The Choctaw Indians who remained in Mississippi after the treaty of 1830 was ratified were required if they wanted to take advantage of article fourteen of that treaty, to go to the United States Indian Agent Colonel Ward within six months from the ratification of this treaty and tell him that they wanted to stay in Mississippi, take land there and become citizens of the States. A good many Choctaw Indians did this whose names Colonel Ward neglected to put upon his list known as Ward's register; his neglect to do this caused a good many Indians who had land in the old Choctaw Nation, upon which they had improvements to lose both their land and the improvements. Both were taken from them by the government and sold at its public land sales. This caused so many complaints among the Choctaw Indians that Congress in 1837 as well as in 1842 appointed Commissions to go to Mississippi and hear claimants under article fourteen of the treaty of 1830.

- Q Do you know whether any of your Choctaw ancestors appeared before either of these two Commissions and claimed benefits as Choctaw Indians? A No, sir; I do not.
- Q Do you know if any of your Choctaw ancestors received any scrip from the government which entitled them to select land either in Mississippi, Alabama, Louisiana or Arkansas to take the place of land which they once occupied in the old Choctaw Nation and which the government had taken from them and sold? A No, sir.

This scrip was issued under the act of Congress approved August 23, 1842 and was given to those Indians who proved their claims under article fourteen of the treaty of 1830 and also proved that their land had been taken from them and sold in the old Choctaw Nation.

- Q Do you speak or understand the Choctaw language? A No, sir.
- Q Have you any other evidence you want to submit now? A No, sir.
- Q You want any time in which to produce any other testimony? A No, sir.

This applicant has the appearance and physical characteristics of being descended from white parentage; she has blue eyes; dark brown hair; medium fair complexion; she does not understand the Choctaw language and has no knowledge of compliance on the part of her ancestors with any of the provisions of article fourteen of the treaty of 1830.

Q Do you want to introduce this statement made by you in writing and sworn to before B. S. Johnson, Notary Public? A I don't know whether it ought to be or not.

By Mr. Johnson:

We will file that to assist in getting the record straight; I know it is of no particular value.

By the Commission:

The ex parte statement of Lucy J. Waltrip, presented by her, marked exhibit "A" and made a part of the record in this case.

Q There are several changes that have been made in this document? A They have Yes, sir.

Q The name of J. F. Waltrip, is changed to J.P.? A That is right.

Q The name of Lucy G. Waltrip is changed to Luther G.? A Yes, sir.

Q One-eighth Choctaw blood is changed to one-sixteenth? A Yes, sir.

Q Were these changes made before you signed it? A Yes, sir.

G. Rosenwinkel being duly sworn on his oath states that as stenographer to the Commission to the Five Civilized Tribes he reported in full all the proceedings had in the above entitled cause on June 17, 1902, and that the above and foregoing is a full, true and correct transcript of his stenographic notes in said cause on said date of June 1902.

G. Rosenwinkel

Subscribed and sworn to before me this 12 day of July 1902.

Guy L. V. Emerson
Notary Public.

COPY.

DLG
C.W.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application of Lucy Waltrip, et al.,
for identification as Mississippi Choctaws, consolidating the ap-
plications of--

Lucy Waltrip, et al.,	M.C.R. 5839
John B. Waltrip,	M.C.R. 5840
William M. Waltrip,	M.C.R. 5841
And Bentley, et al.,	M.C.R. 3053
Jake Hardy, et al.,	M.C.R. 4776
Uetacia Moore,	M.C.R. 5908
Nancy Counts, et al.,	M.C.R. 5907

---D E C I S I O N:--

It appears from the record herein that applications for identification as Mississippi Choctaws were made to this Commission by Lucy Waltrip, for herself and her minor child, Luther G. Waltrip; by John B. Waltrip for himself; by William M. Waltrip for himself; by And Bentley, for himself and his minor child, Ervina Bentley; by Willard M. Hardy, for his three minor children, Jake, Claude and Ed Hardy; by Uetacia Moore for herself, and by Nancy Counts for herself and her minor child. Other records under the following provision of the act of Congress approved June 25, 1906, are shown, 3451.

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto and make report to the Secretary of the Interior."

It appears from the evidence that the applicants herein claim rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, by reason of being descendants of Phillip (or Philip, or Philips) Gates, and his wife, Catherine (or Katherine) Gates, nee Hampton, who are alleged to have been possessed of some Choctaw blood, degree thereof not positively stated. The applicants embraced in K.C.R. 3053 also claim said rights by reason of being descendants of Lucinda Gates, nee Hampton (or Henley), who is alleged to have been possessed of some Choctaw blood, degree thereof not stated.

It further appears from the evidence submitted in support of said applications and from the records in the possession of the Commission, that none of said applicants has ever been enrolled by the Choctaw tribal authorities as a member of the Choctaw tribe, or admitted to Choctaw citizenship by a duly constituted court or committee of the Choctaw Nation, or by the Commission to the Five Civilized Tribes, or by a decree of the United States Court in Indian Territory, under the provisions of the act of Congress approved June 10, 1896, (29 Stats., 321).

It does not appear from the testimony and evidence offered in support of said applications, or from the records in the possession of the Commission relating to persons who complied or attempted

to comply with the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and to persons who heretofore were claimants thereunder, that the said Phillip (or Philip or Philips) Gates, or Catherine (or Katherine) Gates, nee Hampton, or Lucinda Gates, nee Hampton (or Hanley), or ancestors less remote, signified (in person or by proxy) to Colonel Wm. Ward, Indian Agent, Choctaw Agency, an intention to comply with the provisions of said article fourteen of the treaty of eighteen hundred and thirty, or presented a claim to rights thereunder to either of the Commissions authorized to adjudicate such claims by the acts of Congress approved March 3, 1837, (5 Stats., 180) and August 23, 1842, (5 Stats., 513).

It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Lucy Waltrip, Dathor G. Waltrip, John B. Waltrip, William H. Waltrip, And Bentley, Travis Bentley, Jake Hardy, Claude Hardy, Mid Hardy, Ustacia Moore, Nancy Counts and Othel Counts as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the applications for their identification as such should be refused, and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

Tams Bixby.

Acting Chairman.

T. B. Needles.

Commissioner.

C. B. Breckinridge.

Commissioner.

Washoe, Indian Territory,

APR 17 1903

COPY.

M.C.R. 5839

Muskogee, Indian Territory, April 17, 1903.

Received 5-28-03.

Lucy Waltrip,

Durant, Indian Territory.

Dear Madam:

You are hereby advised that on the 17th day of April, 1903, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Lucy Waltrip, et al., embracing the following applications for identification as Mississippi Choctaws:

Lucy Waltrip, et al.,	M.C.R. 5839
John B. Waltrip	M.C.R. 5840
William M. Waltrip,	M.C.R. 5841
And Bentley, et al.,	M.C.R. 3053
Jake Hardy, et al.,	M.C.R. 4776
Ustacia Moore,	M.C.R. 5908
Nancy Counts, et al.,	M.C.R. 5907

These applications were made under the provision of the act of Congress of June 26, 1898 (30 Stat., 495), which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto, and make report to the Secretary of the Interior."

Said decision concludes as follows:

Lucy Waltrip-2

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Lucy Waltrip, Luther G. Waltrip, John B. Waltrip, William M. Waltrip, And Bentley, Travis Bentley, Jake Hardy, Claude Hardy, Mid Hardy, Ustasia Moore, Nancy Counts and Othal Counts as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the applications for their identification as such should be refused, and it is so ordered."

You are further advised that you will be allowed fifteen days from the date hereof within which to file arguments in this office, and that at the expiration of said time the papers in the case, together with such arguments will be forwarded to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

(SIGNED)

James Bixby.

Chairman.

Registered.

COPY

Muskogee, Indian Territory, April 17, 1903.

B. S. Johnson,

Attorney at Law,

Durant, Indian Territory.

Dear Sir:

You are hereby advised that on the 17th day of April, 1903, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Lucy Waltrip, et al., embracing the following applications for identification as Mississippi Choctaws:

Lucy Waltrip, et al.,	M.C.R. 5839
John B. Waltrip,	M.C.R. 5840
William M. Waltrip,	M.C.R. 5841
And Bentley, et al.,	M.C.R. 3053
Jake Hardy, et al.,	M.C.R. 4776
Ustacia Moore,	M.C.R. 5908
Nancy Counts, et al.,	M.C.R. 5907

These applications were made under the provision of the act of Congress of June 28, 1898 (30 Stats., 495), which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto, and make report to the Secretary of the Interior."

Said decision concludes as follows:

B. S. Johnson-2

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Lucy Waltrip, Luther O. Waltrip, John B. Waltrip, William M. Waltrip, Aud Bentley, Travis Bentley, Jake Hardy, Claude Hardy, MId Hardy, Ustacia Moore, Nancy Counts and Othel Counts as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the applications for their identification as such should be refused, and it is so ordered."

You are further advised that the applicants in this case have been allowed fifteen days from the date hereof within which to file arguments in this office, and that at the expiration of said time the papers in the case, together with such arguments will be forwarded to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

SIGNED, *Fame Bixby.*

Chairman.

Registered.

COPY.

Muskogee, Indian Territory, April 17, 1903.

Mansfield, McMurray & Cornish

Attorneys for the Choctaw and Chickasaw Nations,
South McAlester, Indian Territory.

Gentlemen:

You are hereby advised that on the 17th day of April, 1903, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Lucy Waltrip, et al., embracing the following applications for identification as Mississippi Choctaws:

Lucy Waltrip, et al.,	M.C.R. 5839
John B. Waltrip,	M.C.R. 5840
William M. Waltrip,	M.C.R. 5841
And Bentley, et al.,	M.C.R. 3053
Jake Hardy, et al.,	M.C.R. 4776
Ustacia Moore,	M.C.R. 5908
Nancy Counts, et al.,	M.C.R. 5907

These applications were made under the provision of the act of Congress of June 23, 1898 (30 Stats., 495).

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Lucy Waltrip, Luther G. Waltrip, John B. Waltrip, William M. Waltrip, And Bentley, Travis Bentley, Jake Hardy, Claude Hardy, Mid Hardy, Ustacia Moore, Nancy Counts and Othel Counts as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the applications for their identification as such should be refused, and it is so ordered."

M. M. & C-2

You are further advised that the applicants in this case have been allowed fifteen days from the date hereof within which to file arguments in this office, and that at the expiration of said time the papers in the case, together with such arguments will be forwarded to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

SIGNED: *Tams Bixby.*
Chairman

PY.

Muskogee, Indian Territory, May 4, 1903.

The Honorable,

The Secretary of the Interior.

Sir:

There is transmitted herewith the record in the consolidated case of Lucy Waltrip, et al., applicants to the Commission for identification as Mississippi Choctaws, including the decision of the Commission of April 17, 1903.

The above consolidated case embraces the following original applications heard by the Commission:

Lucy Waltrip, et al.,	M.C.R. 5839;
John B. Waltrip,	M.C.R. 5840;
William M. Waltrip,	M.C.R. 5841;
And Bentley, et al.,	M.C.R. 3053;
Jake Hardy, et al.,	M.C.R. 4775;
Utaola Moore,	M.C.R. 5908;
Sandy Counts, et al.,	M.C.R. 5907.

The Commission has the honor to report that the principal applicants in the several separate applications, their attorney of record and the attorneys for the Choctaw and Chickasaw Nations have been duly advised by letter of the action of the Commission, copies of said letters being attached to the record.

The applicants in this case are related to the applicants in

Secretary 2.

the consolidated Mississippi Choctaw case of William H. Gates, et al., decision in which was rendered by the Commission on October 15, 1902, and approved by the Secretary on December 12, 1902.

Respectfully,

Through the
Commissioner of Indian Affairs.

2 Enc.: H.C.R. 5839.

Tams Dixie.

Chairman.

Copy.

Land.

29667-1903.

DEPARTMENT OF THE INTERIOR.

OFFICE OF INDIAN AFFAIRS.

WASHINGTON? June 28, 1903.

The Honorable

The Secretary of the Interior.

Sir:-

There is transmitted herewith for your consideration the record and proceedings of the Commission to the Five Civilized Tribes in the matter of the consolidated application for identification as Mississippi Choctaws of the following: by Lucy Waltrip for herself and her minor child, Luther G. Waltrip; by John B. Waltrip for himself; by William M. Waltrip for himself; by Aud Bentley, for himself and his minor child, Tavis Bentley; by Millard M. Hardy, for his three minor children, Jake, Claude and Mid Hardy; by Ustacia Moore for herself; and by Nancy Counts for herself and her minor child, Othel Counts, wherein a decision adverse to the applicants was rendered by the Commission April 17, 1903.

The testimony in this case shows that the applicants base their claim to identification under this application on their descent from the following named ancestors: Phillip Gates, Valentine Gates, Lucinda Gates, nee Hampton and Catherine Gates, nee Hampton, all of whom it is alleged were Choctaw Indians and residents in Mississippi or Alabama at the time of the making of the treaty of 1830.

2.

The Commission rejected the applicants because the names of the ancestors through whom they claim do not appear on their records among the names of those who complied or attempted to comply with the provisions of the 14th article of the treaty of 1830 and for the additional reason that the applicants have none of them ever been enrolled as citizens of the Choctaw Nation.

An examination of the records of this office has been made with reference to the names of Phillip Gates, Catherine Gates, nee Hampton, Valentine Gates, and Lucinda Gates, nee Hampton or Henly, and it is discovered that their names do not appear among the names of those who complied or attempted to comply with the provisions of the 14th article of the treaty of 1830; neither does it appear that they applied to the Commissions appointed under Acts. of March 3, 1837 and August 23, 1842, for an adjudication of their rights, if they had any, as Choctaw Indians.

It is therefore the opinion of this office that the decision of the Commission rejecting the applicants, is correct, and I concur in that finding and respectfully recommend its approval.

Very respectfully,

A. W. Jones,

Commissioner.

C.T.C.

J.P.

WCE.

DEPARTMENT OF THE INTERIOR.

D.C. 20904.

WASHINGTON.

ITD. 5216-1903.

August 4, 1903.

Commission to the Five Civilized Tribes,
Muskogee, I.T.

Gentlemen:

On May 4, 1903, you transmitted the consolidated case involving the applications for identification as Mississippi Choctaws, of Lucy Waltrip and her minor child, Luther G. Waltrip; of John B. Waltrip; of William M. Waltrip; of Aud Bentley and his minor child, Travis Bentley; of Jake, Claude and Mid Hardy; of Ustasia Moore; and of Nancy Counts and her minor child,, Othel Counts. You refused the applications April 17, 1903.

The applicants claim rights to Choctaw lands under article 14 of the treaty of 1830, by reason of being descendants of Phillip (or Phillips) Gates, Catherine (or Katharine) Gates and Lucinda Gates, nee Hampton or Henly, it being alleged that said ancestors were possessed of Choctaw Indian blood.

The evidence presented by the applicants, as well as the record of the Indian Office, fails to show that any one of said ancestors complied or attempted to comply with article 14 of the treaty of 1830, or with either of the subsequent acts of Congress relating thereto.

2.

Reporting June 23, 1903, the Commissioner of Indian Affairs recommends approval of your decision. A copy of his report is inclosed.

The Department finds no reason to disturb your decision, and it hereby affirms the same.

Respectfully,

Thos Ryan.

Acting Secretary.

1 inclosure.

M.C.R. 5839.

COPY.

Muskogee, Indian Territory, August 19, 1903.

Mansfield, McMurray & Cornish,

Attorneys for the Choctaw and Chickasaw Nations,

South McAlester, Indian Territory:

Gentlemen:

You are hereby notified that on the 4th day of August, 1903, the Secretary of the Interior affirmed the decision of the Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Lucy Waltrip, et al., of which decision you were advised by mail on the 17th day of April, 1903.

Respectfully,

T. B. Needles.
Commissioner in Charge.

M.O.R. 5839.

COPY.

Muskogee, Indian Territory. August 19, 1903.

B. S. Johnson,

Attorney-at-Law,

Durant, Indian Territory.

Dear Sir:

You are hereby notified that on the 4th day of August, 1903, the Secretary of the Interior affirmed the decision of the Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Lucy Waltrip, et al., of which decision you were advised by registered mail on the 17th day of April, 1903.

Respectfully,

T. B. Needles.
Commissioner in Charge.

COPY.

M.C.R. 5839.

Muskogee, Indian Territory, August 19, 1903.

Lucy Waltrip,

Durant, Indian Territory.

Dear Madam:

You are hereby notified that on the 4th day of August, 1903, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Lucy Waltrip, et al., of which decision you were advised by registered mail on the 17th day of April, 1903.

Respectfully,

I. B. Needles.
Commissioner in Charge.

Muskogee, Indian Territory, April 9, 1907.

P. H. Howell,
Munnis, Texas.

Dear Sir:

Your communication of February 13, 1907, addressed to
Honorable Charles A. Culberson, United States Senator, Washington,
D.C., relative to applications filed for the identification as
Mississippi Choctaws of the following named persons, to-wit:

Bently,	W.V.
"	J.H.
"	F.G.
"	Arthur
"	And
Bell	Filmore

was forwarded to the Commissioner of Indian Affairs by Senator
Culberson and referred to this office for consideration and
reply.

The records of this office show that applications for
identification as Mississippi Choctaws were duly filed by the
persons above named except for Filmore Bell who cannot be
identified as such an applicant and that their applications were
included in and disposed of in the consolidated cases of
William H. Gates, et al. M.C.R. 336, and Lucy Waltrip, et al.,
M.C.R. 6839.

2--.

In the former case the Commission to the Five Civilized Tribes rendered its decision on October 15, 1902, refusing to identify the applicants as Mississippi Choctaws, which decision was affirmed by the Department on December 12, 1902.

In the latter case the Commission rendered its decision on April 17, 1903, refusing to indentify the applicants therein as Mississippi Choctaws and on August 4, 1903, its decision was approved by the Department. Subsequently there was filed with the Department, through the Commissioner to the Five Civilized Tribes, by one J. O. Pool a motion praying for a review of the Departmental decision rendered in the consolidated case of William H. Gates, et al., which motion was denied by the Department on September 26, 1906.

The records of this office further show that notice of all proceedings heretofore had in the cases above referred to were duly given to all parties concerned.

For your information, however, there is herewith enclosed copies of the Commission's decisions rendered in the two consolidated cases above mentioned.

In connection with the matters of which you make inquiry, your attention is respectfully invited to Section 2 of the Act of Congress approved April 26, 1906 (34 Stats., 137), which in part provides:

"That the rolls of the Tribes (Five Civilized Tribes in the Indian Territory) affected by this Act shall be fully completed on or before the fourth day of March, nineteen hundred and seven, and the Secretary of the Interior shall have no jurisdiction to approve

3--.

the enrollment of any person after said date."

In accordance with the foregoing provision the respective rolls of the Five Civilized Tribes were finally closed on March 4, 1907, and the Department is without jurisdiction to receive or consider any further evidence you might wish to offer in behalf of your clients.

As requested, copies of the affidavits enclosed with your letter to Senator Culberson are herewith returned.

Respectfully,

Acting Commissioner.

AMK-9-Enc.1.

Supplemental

3386

more
5839

Luther G. Waltrip 19

John B. Waltrip 25- $\frac{1}{32}$
wife

Alpha H. Waltrip w-

more
5841
William M. Waltrip 22- $\frac{1}{32}$

3607

Sarah A. Gates 71 $\frac{1}{2}$
mar

Osarrett Bellu
-d-

(2) Daniel Benson

more
5831

Lucy Bell 41- $\frac{1}{16}$
mar

J. P. Waltrip
for James P. "1" w-

Phillip Gates 1 $\frac{1}{2}$
wife

Catherine Hampton
-d-

Valentine Gates 40 $\frac{1}{2}$
mar

Lucinda Henley

Catherine Gates 53 $\frac{1}{2}$
mar

John S. Bentley

more
5832

And Bentley 37 $\frac{1}{4}$ 3 $\frac{1}{4}$
wife

Daisy Bentley
-w-

Travis Bentley - infant

+ Burial application filed

Consolidated Case
of
Lucy Waltrip et al

U.S. 302

Phillip Gates's

— Gates
mar
— Henley

— Henley
mar
— Mitchell

Elizabeth Mitchell
mar
Millard M. Hardy¹⁵
w

mar
776
Jake Hardy 6- $\frac{1}{6}$
Claude Hardy 4
Mid Hardy 2

see 4438

Catherine Gates
mar
Washington Henley

Margaret Henley⁶⁶
mar
John Counts

mar
1478
Ustacia Counts 29- $\frac{1}{16}$
mar
Lorenzo Moore^w

mar
5907
Nancy Counts 23- $\frac{1}{16}$
mar
William Counts^w

mar
5907
Othel Counts 2m

For Identification as a Mississippi Choctaw.

Date

JUN 17 1902

Name Lucy Waltrip

Age 41 — Blood 1/16 —

Post-Office, Durant, I. T. —

Father Garrett Bell d.

Mother Sarah A. Benson, l.

Claims through mother —
husband.

J. P. Waltrip, l. w.

No claim for husband

Children:

Luther G. Waltrip, 19

Claims for self
and 1 minor
son.

Photographer G. Roumonville

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE LIVE CIVILIZED TRIBES.

FILED

JUL 3 1903



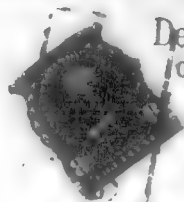
CHAIRMAN



17339

REGISTERED

MAY 20 1903
MUSKOGEE, IND. TER.



Department of the Interior.

Commission to the Five Civilized Tribes,
MUSKOGEE, IND. TER.

OFFICIAL BUSINESS

Penalty for private use, \$300.

Lucy Waltrip,

Durant, Indian Territory.

2

Choctaw MCR 5840

John B. Waltrip

See MCR 5839

MCR 5840

Department of the Interior
Commission to the Five Civilized Tribes
Muskogee, I.T. June 17, 1902.

5240

In the matter of the application for identification as a
Mississippi Choctaw of John B. Waltrip.

B. S. Johnson, attorney for applicant.

John B. Waltrip being first duly sworn testifies as follows:

Examination by the Commission

- Q What is your name? A John B. Waltrip.
Q What is your age? A Twenty-five.
Q What is your post office address? A It will be Durant, Indian Territory.
Q You have not lived there yet? A No, sir.
Q Where have you lived in the last few years? A Gracient, Texas.
Q Where were you born? A In Franklin County, Alabama.
Q How long did you stay there? A Sixteen years.
Q From there you went where? A Hood County, Texas.
Q Stayed there since? A Yes, sir.
Q Is your father living? A Yes, sir.
Q Is your mother living? A Yes, sir.
Q What is your father's name? A J. P. Waltrip.
Q What is your mother's name? A Lucy J. Waltrip.
Q Through which parent do you claim Choctaw blood? A Mother.
Q How much Choctaw blood do you claim? A One-thirty-second.
Q Has your mother ever been recognized or enrolled as a Choctaw Indian by the Choctaw tribal authorities or the United States authorities in Indian Territory? A No, sir.
Q Are you married? A Yes, sir.
Q What is your wife's name? A Alpha H. Waltrip.
Q Is she living? A Yes, sir.
Q Is she a Choctaw Indian or white woman? A White woman.
Q You make no claim for her? A No, sir.
Q Have you any children? A No, sir.
Q Just claim for yourself alone then? A Yes, sir.
Q Is your name on any of the tribal roll in of the Choctaw Nation in Indian Territory? A No, sir.
Q Have you ever made application for citizenship in the Choctaw Nation to the Choctaw tribal authorities in Indian Territory? A No, sir.
Q Have you ever made application for citizenship in the Choctaw Nation to the Commission to the Five Civilized Tribes under the act of Congress of June 12, 1900? A No, sir.
Q Have you ever before this time made application for enrollment in the Choctaw Nation either to the Choctaw tribal authorities or the United States authorities in Indian Territory? A No, sir.
Q Have you ever been admitted as a citizen of the Choctaw Nation by either the Choctaw tribal authorities or the United States authorities in Indian Territory? A No, sir.

- Q Do you now come before the Commission to be identified as a Mississippi Choctaw claiming under article fourteen of the treaty of 1830? A I reckon.
- Q You understand that article? A I reckon I understand it as well as I could.
- Q You want it explained further? A Not any more than go over it I reckon.
- Q You want it explained? A I would not care if you would.

The treaty of 1830 was made between the United States government and the Choctaw Indians at a place called Dancing Rabbit Creek in the state of Mississippi on the 27th day of September of that year, 1830. The object of that treaty was to remove the Choctaw Indians from that old Choctaw Nation, East of the Mississippi River, to the Choctaw Nation, Indian Territory but before the treaty was signed it became known that a good many Choctaw Indians would not go to the Choctaw Nation Indian Territory under that treaty. In order, therefore, to protect the interests of those Indians who stayed back there in the old Choctaw Nation, article fourteen was drafted and put into the treaty of 1830; then the treaty was signed and later on the 24th day of February it was ratified. Article fourteen reads, as follows:

"Each Choctaw head of a family being desirous to remain and become a citizen of the States shall be permitted to do so by signifying his intention to the Agent within six months from the ratification of this treaty and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land to be bounded by sectional lines of survey; in like manner shall be entitled to one-half that quantity for each unmarried child which is living with him over ten years of age; and a quarter section to such child as may be under ten years of age, to adjoin the location of the parent. If they reside upon said lands intending to become citizens of the States for five years after the ratification of this treaty in that case a grant in fee simple shall issue; said reservation shall include the present improvement of the head of the family or a portion of it. Persons who claim under this article shall not lose the privilege of a Choctaw citizen but if they ever remove are not to be entitled to any portion of the Choctaw annuity."

- Q You understand that now do you think? A Yes, sir.
- Q What is the name of your ancestor through whom you claim your right to be identified as a Mississippi Choctaw? A My grandmother.
- Q What is her name? A Sarah B. Benson.
- Q You go back further than that don't you? A Yes, sir.
- Q Go back to the ancestor who lived in Mississippi if you can or if you know of any? A There is Valentine.
- Q Valentine what? A Phillip.
- Q Valentine what; give me the full name? A Gates.
- Q What relation was he to you? A Mr greatgreat grandfather.
- Q You know what the name of his wife was? A No, sir; I don't believe I do.
- Q How much Choctaw blood did Valentine Gates have? A He was half.
- Q Did he live in the old Choctaw Nation in 1830; seventy-two years ago? A I could not say.
- Q Did he ever live in Mississippi or in Alabama? A That is what I have been told.

- Q What? A That they lived there.
- Q Where? A In Alabama.
- Q In what part of Alabama? A In the Northern part.
- Q Did he live there in 1830; seventy-two years ago? A I reckon he did.
- Q Was he married and lived there with a family then? A I have been told that.
- Q By whom? A By my grandmother Sarah E. Benson.
- Q Through whom did Valentine Gates claim his Choctaw blood? A Through Phillip Gates I believe.
- Q Was that his father? A Yes, sir.
- Q What was Phillip Gates' wife's name? A Catherine I believe.
- Q Where did Phillip Gates live? A I don't know.
- Q How had how much Choctaw blood? A Lets see---He had one-quarter.
- Q He had a quarter? A Valentine and Phillip had a half.
- Q Was Valentine Gates your mother's father? A No, sir.
- Q Who was your mother's father? A Garrett Bell.
- Q Did he have Choctaw blood? A No, sir.
- Q What was his wife's name? A Sarah A. Bell.
- Q She had Choctaw blood? A Yes, sir.
- Q She got it through her father? A Yes, sir.
- Q What was his name? A Valentine Gates.
- Q Did she live in Mississippi or Alabama? A Yes, sir; she lived in Alabama.
- Q Was she born there? A Yes, sir.
- Q Valentine was living there then? A Yes, sir.
- Q How old would she, Sarah A. Benson, be now? A She would be seventy-four now.
- Q So it is Valentine Gates you claim through who lived in Alabama in 1830 and had a family there then? A Yes, sir.
- Q Did any of your Choctaw ancestors own any land in the old Choctaw Nation, in Alabama, under article fourteen of the treaty of 1830? A None that I know of.
- Q Did any of your Choctaw ancestors go from that old Choctaw Nation to the Choctaw Nation, Indian Territory, with the other Indians between 1833 and 1838 or forty? A No, sir.
- Q Did any of your Choctaw ancestors within six months from the ratification of the treaty of 1830 go to the United States Indian Agent Colonel Ward and tell him they wanted to stay in Mississippi, take land there and become citizens of the States?
- Q A Not that I know of.
- Q Did any of them own any improvements on land or claim any in Mississippi or in Alabama in 1830? A I don't know.

The Choctaw Indians who lived in the old Choctaw Nation, East of the Mississippi River refusing to go to the Choctaw Nation Indian Territory, with the other Indians, under the treaty, were required if they wanted to take advantage of article fourteen of that treaty to go to the United States Indian Agent Colonel Ward within six months from the ratification of the treaty and tell him that they wanted to stay in Mississippi, take land there and become citizens of the States. A good many Choctaw Indians did this whose names Colonel Ward failed to put upon his list known as Ward's register. His neglect to do this caused a good many Indians who had land in Mississippi upon which they had improvements to lose both; both were taken from them by the government and sold at its public land sales. This caused so many complaints among the Choctaw Indians that in 1837, by act approved March 3rd of that year a Commission was appointed by Congress which went to Mississippi and heard claimants under

article fourteen of the treaty of 1830. In 1842, by act of Congress approved August 23rd of that year, another Commission was appointed for the same purpose. This Commission also went to Mississippi and heard claimants under article fourteen of that treaty.

- Q Did any of your Choctaw ancestors go before either of these two Commissions and claim benefits as Choctaw Indians under article fourteen of that treaty? A I don't know.
- Q Did any of your Choctaw ancestors receive any scrip from the government which entitled them to select land either in Mississippi, Alabama, Louisiana or Arkansas, to take the place of the land that they had once held in the old Choctaw Nation and which the government had taken from them and sold? A None that I ever heard of.

This scrip was issued under the act of Congress approved August 23, 1842, and given to those Choctaw Indians who not only proved their rights under article fourteen of the treaty of 1830 but also proved that they had formerly held land in the old Choctaw Nation which the government had taken from them and sold.

- Q What relation is Sarah A. Benson to you? A My grandmother.
- Q Has she been before the Commission to be identified as a Mississippi Choctaw? A Yes, sir.
- Q You want to have her case consolidated with yours and all other relatives of yours who claim the right to be identified as a Mississippi Choctaw and who claim through the same common ancestor? A Yes, sir.

The case of Sarah A. Benson, M.C.R. 3607, is here referred to for the purpose of consolidation.

- Q Do you speak the Choctaw language or understand it? A No, sir.
- Q Is there anything more you would like to say in support of your claim? A No, sir.
- Q Have you any other evidence you want to present now? A No, sir.
- Q You care for any time in which to present further testimony? A No, sir.

This applicant has the appearance and physical characteristics of being descended from white parentage; he has brown hair; blue eyes; medium fair complexion, now tanned. He does not speak or understand the Choctaw language and has no knowledge of compliance on the part of his ancestors with any of the provisions of article fourteen of the treaty of 1830.

Statement of John B. Waltrip presented by him received, marked exhibit "A" and made a part of the record in this case.

G. Rosenwinkel being duly sworn on his oath states that as stenographer to the Commission to the Five Civilized Tribes he reported in full all the proceedings had in the above entitled cause on June 17, 1902, and that the above and foregoing is a full, true and correct transcript of his stenographic notes in said cause on said date of June 1902.

Subscribed and sworn to before me this 18 day of July 1902.

Guy L. P. Emerson
Notary Public.

COPY

M.C.R. 5840

Muskogee, Indian Territory, April 17, 1903.

Re-mailed 5, 28-03.

John B. Waltrip,
Durant, Indian Territory.

Dear Sir:

You are hereby advised that on the 17th day of April, 1903, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Lucy Waltrip, et al., embracing the following applications for identification as Mississippi Choctaws:

Lucy Waltrip, et al.,	M.C.R. 5839
John B. Waltrip,	M.C.R. 5840
William M. Waltrip,	M.C.R. 5841
And Bentley, et al.,	M.C.R. 3053
Jake Hardy, et al.,	M.C.R. 4776
Ustacia Moore,	M.C.R. 5908
Nancy Counts, et al.,	M.C.R. 5907

These applications were made under the provision of the act of Congress of June 28, 1898 (30 Stats., 495), which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto, and make report to the Secretary of the Interior."

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of

John B. Waltrip-2

Lucy Waltrip, Luther G. Waltrip, John B. Waltrip, William M. Waltrip, And Bentley, Travis Bentley, Jake Hardy, Claude Hardy, Mid Hardy, Ustacia Moore, Nancy Counts and Othel Counts as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the applications for their identification as such should be refused, and it is so ordered."

You are further advised that you will be allowed fifteen days from the date hereof within which to file arguments in this office, and that at the expiration of said time the papers in the case, together with such arguments will be forwarded to the Secretary of the Interior through the Commissioner of Indian affairs.

Respectfully,

(SIGNED) *James Bixby.*
Chairman.

Registered.

M.C.R. 5840.

COPY.

Muskogee, Indian Territory, August 19, 1903.

John B. Waltrip,

Durant, Indian Territory.

Dear Sir:

You are hereby notified that on the 4th day of August, 1903, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Lucy Waltrip, et al., of which decision you were advised by registered mail on the 17th day of April, 1903.

Respectfully,

(SIGNED)

T. B. Needles.
Commissioner in Charge,

No. 5840

For Identification as a Mississippi Choctaw.

JUN 17 1902

Date

Name John B. Waltrip.

Age 25.

Blood $\frac{1}{32}$

Post-Office, Hurant, d. T.

Father: J. P. Waltrip.

C.

Mother: Lucy J. "

C.

Claims through Mother.

wife: Alpha K. Waltrip. C. W.

No claim for wife — —

Children

claim for self
alone.

Encephalographer G. Racemontal -

Choctaw MCR 5841

William M. Waltrip

See MCR 5839

MCR 5841

Department of the Interior
Commission to the Five Civilized Tribes
Muskogee, I.T., June 17, 1902.

5841

In the matter of the application for identification as a Mississippi Choctaw of William M. Waltrip.

B. S. Johnson attorney for applicant.

William M. Waltrip being first duly sworn testifies as follows:

Examination by the Commission

- Q What is your name? A William M. Waltrip.
Q What is your age? A Twenty-two.
Q What is your post office address? A Durant.
Q I.T. A Yes, sir.
Q How long have you lived at Durant? A Just a few days.
Q Where did you live before that? A Crescent.
Q Indian Territory? A Texas.
Q How long have you lived in Texas? A Nine years.
Q Where were you born? A Alabama.
Q Where in Alabama? A Franklin County.
Q When did you leave that state? A In 1893.
Q Went where? A To Texas, Hood County, Texas.
Q Is your father living? A Yes, sir.
Q Is your mother living? A Yes, sir.
Q What is your father's name? A James F. Waltrip.
Q What is your mother's name? A Lucy J. Waltrip.
Q Through which parent do you claim Choctaw blood? A My mother.
Q How much Choctaw blood do you claim? A One-thirty-second.
Q Has your mother ever been recognized as a Choctaw Indian or enrolled as one by the Choctaw tribal authorities or by the United States authorities in Indian Territory? A No, sir.
Q You are not married? A No, sir.
Q You claim for yourself alone? A Yes, sir.
Q Is your name on any of the tribal rolls of the Choctaw Nation in Indian Territory? A No, sir.
Q Have you ever made application to the Choctaw tribal authorities in Indian Territory for citizenship in the Choctaw Nation? A No, sir.
Q Have you ever made application for citizenship in the Choctaw Nation to the Commission to the Five Civilized Tribes under the act of Congress of June 18, 1900? A No, sir.
Q Have you ever been admitted to citizenship in the Choctaw Nation by either the Choctaw tribal authorities, the Commission to the Five Civilized Tribes or the United States Court in Indian Territory? A No, sir.
Q Is this the first application you have ever made for citizenship in the Choctaw Nation by either the Choctaw tribal authorities, the Commission to the Five Civilized Tribes or the United States Court in Indian Territory? A Yes, sir.
Q Do you now come before the Commission to identify yourself as a Mississippi Choctaw? A Yes, sir.

- Q Do you claim under article fourteen of the treaty of 1830? A Yes, sir.
- Q You understand that article? A Yes; I heard you read it several times.

It reads, as follows:

"Each Choctaw head of a family being desirous to remain and become a citizen of the States shall be permitted to do so by signifying his intention to the Agent within six months from the ratification of this treaty and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land to be bounded by sectional lines of survey; in like manner shall be entitled to one half that quantity for each unmarried child which is living with him over ten years of age; and a quarter section to such child as may be under ten years of age, to adjoin the location of the parent. If they reside upon said lands intending to become citizens of the States for five years after the ratification of this treaty in that case a grant in fee simple shall issue; said reservation shall include the present improvement of the head of the family or a portion of it/ Persons who claim under this article shall not lose the privilege of a Choctaw citizen but if they ever remove are not to be entitled to any portion of the Choctaw annuity."

- Q You understand that do you not? A Yes, sir.
- Q What is the name of your ancestor through whom you claim your right to be identified as a Mississippi Choctaw? A Phillip Gates.
- Q Did he live in Mississippi in 1830? A I could not tell you.
- Q Do you know the name of any ancestor you had? A No, sir.
- Q Did you ever hear of Valentine Gates? A Yes, sir.
- Q What relation was he to Phillip? A He was Phillips son?
- Q Did he live in the old Choctaw Nation either in Mississippi or Alabama? A Yes, sir.
- Q Which one? A Alabama.
- Q Then you heard that he lived there? A Yes sir.
- Q But you don't know that Philip ever did? A No, sir; I don't.

By Mr. Johnson:

- Q Have you never heard? A I heard of him being there.

By the Commission:

- Q How about Valentine Gates, is he not the ancestor through whom you claim, who lived in the old Choctaw Nation in Mississippi or Alabama in 1830? A No; Philip Gates.
- Q Well give me the ancestor who lived in Mississippi in 1830 and had a family there then? A Valentine Gates lived there.
- Q Where? A In Alabama.

By Mr. Johnson:

- Q Don't you know that Philip Gates did not live there until later? A I don't remember.

By the Commission:

- Q What relation was Valentine Gates to you? A He was my great grandfather.
- Q How much Choctaw blood did he have? A One-eighth---one-fourth.

- Q He claimed through his father Philip? A Yes, sir.
- Q How much Choctaw blood did Philip Gates have? A One-half.
- Q Which of these two, Philip or Valentine Gates lived in Alabama in 1830? A Valentine.
- Q Did he have a family there then? A Yes, sir.
- Q Was he the head of a family in the old Choctaw Nation in 1830; was he? A Yes, sir.
- Q Can you tell who his wife was? A No, sir; I cannot.
- Q She was a white woman, I suppose, whoever she was? A Yes, sir.
- Q Can you tell who the wife of Philip Gates was? A Catherine Hampton.
- Q She was a white woman? A No, sir; she was an Indian; part of an Indian; let me see,---she was said to be part Indian.
- Q If you don't know say so? A I have heard that he had but so far as knowing I don't know.
- Q How much did you ever hear that she had? A I don't know how much.
- Q You claim through your mother? A Yes, sir.
- Q She has been before the Commission to be identified as a Mississippi Choctaw? A -----
- Q How old is your mother? A Forty-one years old.
- Q Where has she lived; where was she born and where is she living? A In Alabama.
- Q Where has she lived all of her life? A She was born in Alabama and from there went to Texas.
- Q She claims through which parent father or mother? A Her mother.
- Q What was her mother's name? A Sarah A. Benson.
- Q What was Sarah A. Benson's husband's name? A Garrett Bell.
- Q What was her second husband's name? A Daniel Benson. I want to say this, it is my understanding that Philip Gates lived in that part of the Nation over there that is in the old Choctaw Nation.
- Q You don't know that he lived there in 1830? A No, sir.
- Q You do know from family history and tradition that his son Valentine did live in Alabama in 1830? A Yes; and probably he did.
- Q And that Valentine had a family there then? A Yes, sir.
- Q Do you know whether any of your Choctaw ancestors owned any land or claimed any in the old Choctaw Nation in Alabama under article fourteen of the treaty of 1830? A No, sir; I don't know.
- Q Do you know whether any of your Choctaw ancestors owned any improvements or claimed any on land in the old Choctaw Nation in Mississippi or Alabama in the year 1830? A No, sir; I don't know.
- Q Did any of your Choctaw ancestors go from that old Choctaw Nation to the Choctaw Nation, Indian Territory? A Not that I know of.
- Q With the other Indians under the treaty between 1833 and 1830? A No, sir; not that I know of.
- Q Did any of your Choctaw ancestors within six months after the ratification of the treaty of 1830 go to the United States Indian Agent Colonel Ward and tell him that they wanted to stay in Mississippi, take land there and become citizens of the States? A Not that I know of.

In 1837, by act approved March 3rd of that year and in 1842, by act approved August 23rd of that year Commissions were appointed. These Commissions went to Mississippi and heard claimants under article fourteen of the treaty of 1830. The reason why these Commissions were appointed was because of the complaints made by a great many Choctaw Indians who stayed back there in the old Choctaw Nation and who claimed that within six months after the

ratification of the treaty of 1830 they had gone to the United States Indian Agent Colonel Ward and had attempted to register under article fourteen of the treaty of 1830 by presenting their names to him as the Agent but that he had neglected or refused to enroll them as Choctaw Indians and that their names did not appear upon his list known as Ward's register. Now, his neglect to enroll them under article fourteen caused these Indians to lose the land which they occupied in the old Choctaw Nation for it was taken from them by the government and sold at its public land sales.

- Q Do you know whether any of your Choctaw ancestors appeared before either of these two Commissions and claimed any benefits as Choctaw Indians under that article of that treaty? A Not that I know of.
- Q Do you know whether any of your Choctaw ancestors received any scrip from the government which entitled them to select land either in Mississippi, Alabama, Louisiana or Arkansas? A Not that I know of.

This scrip was issued to enable them to replace the land which they had formerly held in the old Choctaw Nation which the government had taken from them and sold. This scrip was issued under the act of Congress approved August 23, 1842.

- Q What relation is Sarah A. Benson to you? A She is my grandmother.
- Q Has she been before the Commission to be identified as a Mississippi Choctaw? A Yes, sir.
- Q Do you want to have her case consolidated with yours and also other relatives who claim through the same common ancestor? A Yes, sir.

The case of Sarah A. Benson is here referred to for the purpose of consolidation, number 3607.

- Q Do you speak the Choctaw language? A No, sir.

By Mr. Johnson:

We would like a little time in these cases.

By the Commission:

Yes, sir; time is limited until the first of July for the introduction of any proper testimony in support of this application.

- Q Do you want to introduce this statement made by you and sworn to before Mr. Johnson, Notary Public? A Yes, sir.

Sworn statement of William M. Waltrip presented by this applicant, received, filed, marked exhibit "A" and made a part of the record in this case.

This applicant has the appearance and physical characteristics of being descended from white parentage; blue eyes; dark brown hair; medium fair complexion; he does not understand the Choctaw

#6

language and has no knowledge of compliance on the part of his ancestors with any of the provisions of article fourteen of the treaty of 1830.

G. Rosenwinkel being duly sworn on his oath states that as stenographer to the Commission to the Five Civilized Tribes he reported in full all the proceedings had in the above entitled cause on June 27, 1902, and that the above and foregoing is a full, true and correct transcript of his stenographic notes in said cause on said date of June 1902.

G. Rosenwinkel

Subscribed and sworn to before me this 2 day of July 1902.

Guy L. V. Emerson
Notary Public

COPY.

Muskogee, Indian Territory, April 17, 1903.

William M. Waltrip,

Durant, Indian Territory.

Dear Sir:

You are hereby advised that on the 17th day of April, 1903, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Lucy Waltrip, et al., embracing the following applications for identification as Mississippi Choctaws:

Lucy Waltrip, et al.,	M.C.R. 5839
John B. Waltrip,	M.C.R. 5840
William M. Waltrip,	M.C.R. 5841
And Bentley, et al.,	M.C.R. 3053
Jake Hardy, et al.,	M.C.R. 4776
Ustacia Moore,	M.C.R. 5908
Nancy Counts, et al.,	M.C.R. 5907

These applications were made under the provision of the act of Congress of June 28, 1898 (30 Stat., 495), which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto, and make report to the Secretary of the Interior."

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of

William H. Valtrip-8

Lucy Valtrip, Luther G. Valtrip, John B. Valtrip, William H. Valtrip, And Bentley, Travis Bentley, Jake Hardy, Claude Hardy, Mida Hardy, Ustacia Moore, Nancy Counts and Othel Counts as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the applications for their identification as such should be refused, and it is so ordered."

You are further advised that you will be allowed fifteen days from the date hereof within which to file arguments in this office, and that at the expiration of said time the papers in the case, together with such arguments will be forwarded to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

(SIGNED)

Tams Bixby.

Chairman.

Registered.

M.O.B. 5841,

COPY

Muskogee, Indian Territory, August 19, 1903.

William M. Waltrip,

Durant, Indian Territory.

Dear Sir:

You are hereby notified that on the 4th day of August, 1903, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Lucy Waltrip, et al., of which decision you were advised by registered mail on the 17th day of April, 1903.

Respectfully,

T. B. Needles
Commissioner in Charge.

No. 2041

For Identification as a Mississippi Choctaw.

Date

JUN 17 1892

Name *William M. Wattrip,*

Age *22* -

Blood

"32"

Post-Office,

Quant, I. T.

Father

James P. Wattrip,

Mother

Lucy J. Wattrip,

Claims through *mother*

Children:

*Claims for self
alone.*

Stenographer

G. Rosemon

Choctaw MCR 5842

Georgia Phillips

MCR 5842

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.

---O---

In the matter of the application of Georgia Phillips, et al.,
for identification as Mississippi Choctaws, M.C.R. 5842.

List of papers forwarded to the Secretary of the Interior
comprising the record in the above case.

	(Page)
Original application of Georgia Phillips, et al., to the Dawes Commission for identification as Mississippi Choctaws-----	1
Testimony of Samuel T. Hartley-----	5
Decision of the Commission refusing the ap- plication of Georgia Phillips, et al., for identification as Mississippi Choctaws-----	9

---O---

Department of the Interior
Commission to the Five Civilized Tribes.
Muskogee, I.T. June 17, 1902.

5842

In the matter of the application for identification as Mississippi Choctaws of Georgia Phillips, for herself and her two minor children, Hester and Baby Phillips.

B. S. Johnson, attorney for applicants.

Georgia Phillips being first duly sworn testifies as follows:

Examination by the Commission

- Q What is your name? A Georgia Phillips.
Q What is your age? A Thirty-three.
Q What is your post office? A Caney.
Q Indian Territory? A Yes, sir.
Q How long have you lived at Caney? A About two months I reckon.
Q Where did you live before that? A In Eastern Texas.
Q Where were you born? A In Texas.
Q Always lived in Texas until you came to the Territory? A Yes, sir.
Q Where did you live in Texas most of the time? A In San Saba County.
Q Is your father living? A Yes, sir.
Q Is your mother living? A No, sir.
Q What is your father's name? A Sam Hartley.
Q What was your mother's name? A Margaret Halls.
Q That was her maiden name? A Yes, sir.
Q Her name is Hartley now? A Yes, sir.
Q You claim through which parent father or mother? A My father.
Q How much Choctaw blood do you claim? A My father claims to be three-quarters.
Q You claim how much; would you be one-half of that or three eighths? A Yes, sir.
Q You claim three-eighths then? A He claims three-quarters.
Q Three-eighths is one-half of three-quarters you think, is that right? A Yes, sir.
Q Has your father ever been recognized in any way or enrolled as a member of the Choctaw tribe of Indians by the Choctaw tribal authorities or the United States authorities in Indian Territory? A Yes, sir.
Q Has he been made an Indian? A Yes, a year ago last--.

By Mr. Johnson:

- Q You mean he applied a year ago? A Yes; he just applied.
Q He has never been enrolled? A No, sir.

By the Commission:

- Q Remade application to be identified as a Mississippi Choctaw &

- year ago; did he not? A Yes, sir.
- Q Have you proof of the marriage of your father and mother with you now? A No, sir.
- Q You know whether it has been filed in the case of your father Sam Hartley, to be identified as a Mississippi Choctaw? A Yes, sir.
- Q It has been filed in your father's application? A Yes, sir.
- Q Now would you like to refer to the application made by your father Sam Hartley and the records made in that case have it made a part of your own application? A Yes, sir.
- Q Samuel T. Hartley is what relation to you? A My father.
- Q Robert H. Hartley is what relation? A My brother.
- Q Virginia Shultz? A My sister.
- Q Sophronia Cagle? A My sister.
- Q Caroline Taylor? A My sister.
- Q Maggie J. Van? A My cousin.
- Q Samuel W. Denyer? A Cousin.
- Q Elijah Reeves? A Cousin.
- Q These have all made a plication have they not to be identified as Mississippi Choctaws? A Yes, sir.

Reference is here made in this application made by Georgia Phillips to M.C.R. 1080, being the application of her father Samuel T. Hartley, et al., and in which reference is made to the above cases.

- Q Are you married? A Yes, sir.
- Q What is your husband's name? A Miles Phillips?
- Q Is he living? A Yes, sir.
- Q Is he a white man or Indian? A White man, American.
- Q You make no claim for him? A No, sir.
- Q Have you any minor children you want to make application for? A I have two.
- Q What is the name of the eldest? A Hester.
- Q Hester Phillips? A Yes, sir.
- Q How old is Hester? A Twelve years old.
- Q What is the name of the next? A Raby.
- Q R-a-b-y? A Yes, sir.
- Q Boy? A Yes, sir.
- Q How old is Raby? A Five years old.
- Q Is that all the children you have? A Yes, sir.
- Q Is your name or the names of your children on any of the tribal rolls of the Choctaw Nation in Indian Territory? A No, sir.
- Q Is Miles Phillips the father of these two children? A Yes, sir.
- Q Are you the mother? A Yes, sir.
- Q Are you and your husband living together or at your home? A Yes, sir.
- Q Have either you or your husband ever been married before you married each other? A No, sir.
- Q Have you ever made application for citizenship in the Choctaw Nation to the Choctaw tribal authorities in Indian Territory for yourself and children? A No, sir.
- Q Have you ever made application for citizenship in the Choctaw Nation for yourself and children to the Commission to the Five Civilized Tribes under the act of Congress of June 18, 1896? A No, sir.
- Q Have you ever before this time made application for citizenship in the Choctaw Nation for yourself and children by going before either the Choctaw tribal authorities or the United States authorities in Indian Territory? A No, sir.
- Q Have you ever been admitted to citizenship, with your children, in the Choctaw Nation by either the Choctaw tribal authorities, the Commission to the Five Civilized Tribes or the United States Court in Indian Territory? A No, sir.

- Q Do you now come before the Commission to identify yourself and your children as Mississippi Choctaws? A Yes, sir.
- Q Do you claim under article fourteen of the treaty of 1830? A Yes, sir.
- Q Do you understand that article? A No, sir.

The treaty of 1830 was made between the United States government and the Choctaw Indians at a place in Mississippi called Dancing Rabbit Creek. It was made between the United States government and the Choctaw Indians on the 27th day of September 1830 for the purpose of effecting the removal, as far as practicable, of all the Choctaw Indians, who lived in the old Choctaw Nation, East of the Mississippi River, to the Choctaw Nation, Indian Territory. Before the treaty was signed it became known that a good many Choctaw Indians would not go to the Choctaw Nation, Indian Territory under the treaty with the other Indians, and in order to protect the interests of those Indians who stayed back there in the old Choctaw Nation article fourteen was put into the treaty. The treaty was then signed and afterwards on the 24th day of February 1831 it was ratified. Article fourteen reads, as follows:

"Each Choctaw head of a family being desirous to remain and become a citizen of the States, shall be permitted to do so, by signifying his intention to the Agent within six months from the ratification of this treaty and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land to be bounded by sectional lines of survey; in like manner shall be entitled to one-half that quantity for each unmarried child which is living with him over ten years of age to adjoin the location of the parent. If they reside upon said lands intending to become citizens of the States for five years after the ratification of this treaty in that case a grant in fee simple shall issue; said reservation shall include the present improvement of the head of the family or a portion of it. Persons who claim under this article shall not lose the privilege of a Choctaw citizen but if they ever remove are not to be entitled to any portion of the Choctaw annuity."

- Q You understand that don't you? A Yes, sir.
- Q What is the name of your ancestor through whom you claim your right to be identified as a Mississippi Choctaw; whom do you claim through? A George W. Hartley.
- Q What relation was he to you? A Grandfather.
- Q How much Choctaw blood did he have? A I don't know.
- Q Did he live in the old Choctaw Nation in Mississippi or Alabama? A Yes, sir.
- Q Where did he live? A I can't tell you only what I have been taught by my parents.
- Q Have you been taught that he lived in Mississippi or Alabama? A Mississippi.
- Q In 1830? A I don't know.
- Q That is seventy-two years ago; don't you know? A No, sir.
- Q Can you give me the name of any Choctaw ancestor who did live in Mississippi or Alabama in the old Choctaw Nation in the year 1830 and was the head of a family there then? A No, sir; I don't know a great deal only what I have been taught.
- Q What have you been taught about your Choctaw ancestors? A I have been taught I had Indian blood.
- Q How much Indian Choctaw blood have you been taught you had? A I can't understand and explain anything.

44

Q You can't understand what relation George W. Hartley is to you?

By Mr. Johnson:

Q How much Indian blood did George W. Hartley have; one-half or one-fourth? A One-fourth.

Q Then your father would have one-half of that or one-eighth; ain't that right? A Yes, sir; that is right.

Q What would you have then if your father had one-eighth; you would have one-half of that or one-sixteenth? A Yes, sir.

By the Commission:

Q You claim one-sixteenth? A Yes, sir.

Q Well a while ago you claimed three-eighths? A I can't remember anything.

By Mr. Johnson:

Q Your grandfather had one-half; did your grandmother have any? A Yes, sir.

Q How much one-fourth or one-half? A I don't know what she was.

By the Commission:

Q A little while ago you claimed three-eighths; now you claim one-sixteenth; do you really know how much you do claim? A No, sir; I reckon not, if my father claims three-quarters—I told you I don't know, my father claims three-quarters.

By Mr. Johnson:

Q You claim one-sixteenth or more; you don't know? A No, sir; I don't.

By the Commission:

Q Did any of your Choctaw ancestors own any land or claim any in Mississippi or Alabama under article fourteen of the treaty of 1830? A I don't know.

Q Did any of your Choctaw ancestors within six months from the ratification of the treaty of 1830 go to the United States Indian Agent Colonel Ward and tell him they wanted to stay in Mississippi, take land there and become citizens of the States? A I don't know.

Q Did any of your Choctaw ancestors own any improvements or claim any in Mississippi or Alabama in the old Choctaw Nation in the year 1830? A I can't tell you; I don't know.

Q Did any of your Choctaw ancestors go from that old Choctaw Nation East of the Mississippi River to the Choctaw Nation Indian Territory with the other Indians between 1833 and 1838 or forty? A I don't know.

In 1837 under an act of Congress approved March 3rd of that year and in 1842 under an act of Congress approved August 23rd of that year two Choctaw citizens petitioned to go to Mississippi and how claimants under article fourteen of the treaty of 1830. The reason why these two Choctaw citizens were appointed was because of the petitioners of many Choctaw Indians who stayed back there in

#8

the old Choctaw Nation in Mississippi and Alabama after the treaty of 1830 was ratified who refused to go to the Choctaw Nation, Indian Territory. Now these Indians were required, if they wanted to take advantage of the provisions of article fourteen of that treaty, to go to the United States Indian Agent, whose name was Colonel Ward and tell him they wanted to stay in Mississippi, take land there and become citizens of the States. A great many Choctaw Indians did this whose names Colonel Ward failed to register upon his list known as Ward's register. His neglect to do so caused a good many Indians who had land in the old Choctaw Nation upon which they had improvements to lose both; both the land and the improvements were taken from them and sold at its public landsale. This caused so many complaints among the Choctaw Indians that these two Commissions were appointed.

Q Do you know whether any of your Choctaw ancestors went before either of these two Commissions and claimed benefits as Choctaw Indians under that article of that treaty? A No, sir; I don't know.

Q Did any of your Choctaw ancestors receive any scrip from the government or certificates as we would call them now, which scrip entitled them to select land either in Mississippi, Alabama, Louisiana or Arkansas? A I don't know.

Q This scrip was issued under the act of Congress of August 22, 1842, and was issued to those Indians who proved their claims under article fourteen of the treaty of 1830 and also proved that they had had land in the old Choctaw Nation which the government had taken from them and sold at its public land sales.

Q Do you speak the Choctaw language? A No, sir.

Q Have you any evidence you want to introduce now in support of this claim? A None except my father.

Q You want to introduce your father as a witness in this case? A Yes, sir.

Q Except his testimony, have you any evidence you want to present? A No, sir.

Q Would you like until the first of July in which to present other testimony? A Yes, sir.

This applicant will have until July first, 1902, in which to present other testimony in support of this application.

This applicant has the appearance and physical characteristics of being descended from white parentage. Brown hair; blue eyes; medium fair complexion, now somewhat tanned from the sun. She has no knowledge of the Choctaw language and no knowledge of complicity on the part of his ancestors with any of the provisions of article fourteen of the treaty of 1830.

Witness excused,.....

Samuel T. Hartley called as a witness after being first duly sworn testifies as follows:

Examination by the Commission

Q What is your name? A Samuel T. Hartley.

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- Q What is your age? A I am going on seventy-three.
 Q What is your post office address? A Casey, Indian Territory.
 Q What is your occupation? A Farming.
 Q Where were you born? A In Mississippi, in Choctaw County.
 Q Are you an applicant before the Commission to be identified as a Mississippi Choctaw? A Yes, sir; I have been here.
 Q Made application to be identified as a Mississippi Choctaw? A Yes, sir.
 Q As Samuel T. Hartley? A Yes, sir.

The case of Samuel T. Hartley, M.C.R. 1050, is here referred to as the application made by this witness for identification as a Mississippi Choctaw.

- Q Are you acquainted with Georgia Phillips? A Yes, sir.
 Q What relation to you? A My child.
 Q Your daughter? A Yes, sir.
 Q Do you want to testify now in reference to her application made to day? A Yes, sir.

Examination by attorney B. S. Johnson.

- Q How much Indian blood do you claim? A I have been claiming about three-quarters.
 Q What was your father's name? A George W. Hartley.
 Q Is he the part you claim through or your mother? A My father.
 Q How much Indian blood did he have? A He was a half.
 Q What was his wife's name? A Eliza.
 Q How much Indian blood did she have? A She had one-half.
 Q You claim three-quarters? A Yes, sir.
 Q What tribe of Indians did he belong to? A Choctaws.
 Q What Choctaws? A Mississippi Choctaws.
 Q When was you born? A In 1830 March 14, in 1830.
 Q In 1830? A Yes, sir.
 Q You know anything about the treaty of 1830 made at Dancing Rabbit Creek between the Indians and the United States government by which the Indians were removed to this Indian Territory; some of them? A I don't recollect it.
 Q Have you heard of it? A Yes; I heard of it.
 Q How long did you remain in Mississippi after 1830; how old were you when you left there? A Five years old.
 Q Where did your father move to? A To Arkansas.
 Q In what year? A He came there—let me see—thirty-five.
 Q Did he own any land or property or residence or domicile of any kind or any personal property of any description prior to 1830 that you know of? A Not that I know of, sir.
 Q Did he ever apply to William Ward, Indian Agent, or any one else for the purpose of taking land and remaining in Mississippi? A No, not that I know of.
 Q Did he ever receive any scrip under which he located land in any of the public lands in Tennessee, Alabama, Mississippi or any of these States for public lands subsequent to 1830? A Not that I know of.
 Q Did he ever own any land in these States? A I don't know of any.
 Q Where did he die? A In Arkansas, in Little Rock.
 Q Ever own any land in Little Rock, Arkansas or any where else? A No, sir.
 Q Not that you know of? A Not that I know of.
 Q Could he talk the Choctaw language? A Yes, sir.

#7

- Q He could speak it? A Yes, sir.
- Q Ever hear him converse with members of the tribe? A Yes; I did; I remember it just like a dream, I use to speak it myself.
- Q How old were you when he died? A I was near five years old.
- Q Did your mother succeed him? A Yes, sir.
- Q Did your father or mother or any other old person who is now dead tell you that you had Indian blood or did they ever tell you anything about your Indian blood? A My mother told me many times.
- Q What did she tell you? A She said my father was half Choctaw and that she was half Choctaw and half Cherokee.
- Q She was half Choctaw and half Cherokee? A Yes, sir.
- Q And your father was a Choctaw? A Yes father was a Choctaw.
- Q Did she ever tell you of her wish or he or both of them of coming to the West and taking land here? A No, sir.
- Q Ever claim that she had any right here in the Territory or anywhere else? A Not that I know of.
- Q Was she ashamed of her Choctaw blood? A Not that I know of.
- Q Did she ever tell you not to claim it? A No, sir.

By the Commission:

- Q You claim how much Choctaw blood? A I guess I am about three-eighths.
- Q You claimed three-quarters little while ago? A I claim about three-eighths.
- Q What did you mean when you said you claimed three-quarters? A I mean the Cherokee blood.
- Q You don't mean three-quarters Choctaw? A No, sir; not three-quarters Choctaw.
- Q Don't you know that it is very essential for you to know what you claim? A I know it is.
- Q I want you to know? A I will know if I can.
- Q You don't claim three-quarters Choctaw blood? A No, I don't.
- Q How much do you claim? A I suppose one-quarter.
- Q You said three-eighths a little while ago? A I was speaking about my mother.
- Q Why don't you think about this. Now you look here; you can't take things back. If you say three-quarters, three-eighths and then one-fourth, you have done one of two things; you have committed perjury or else you don't know what you are talking about? A I reckon likely I don't know what I am talking about.
- Q You look like a white man; you don't look like an Indian? A I guess my father was a Choctaw.
- Q How do you know you are a Choctaw? A I have always heard; I have heard my mother say; I claimed it the way it came from my mother and father both I had three-quarters.
- Q You are testifying now in reference to your daughter's application; your daughter's name is Georgia Phillips; she says she claims three-quarters Choctaw blood because you claim three-quarters; now do you claim three-quarters? A I would have to bring along three-quarters if I bring in my Cherokee blood.
- Q If you brought in your Cherokee blood? A Yes, sir.
- Q I don't want you to bring in your Cherokee blood? A It would be one-quarter.
- Q That is what you claimed when you came before the Commission? A Yes, sir.
- Q How do you know you have one-quarter Choctaw blood? A What my mother has told me and my witness that knowed me,

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- Q Did any of your Choctaw ancestors comply with article fourteen of the treaty of 1830? A No, sir; I don't know.
- Q Do you know anything about article fourteen of that treaty? A No, sir; I don't.
- Q Do you know anything about the treaty of 1830? A I don't know sir.
- Q Do you know anything about Colonel William Ward the United States Indian Agent? A No, sir; I don't.
- Q Do you know when the treaty of 1830 was signed? A No, sir.
- Q Do you know when it was ratified? A No, sir; I don't.
- Q Do you know whether the Mississippi Choctaw Indians who stayed in Mississippi after the treaty of 1830 was ratified were required to go before the United States Indian Agent and register under him or not within six months after the treaty was ratified? A No, sir; I don't know it; I was small then.
- Q How old are you now? A I am going on seventy-three.
- Q Where were you born? A Mississippi, Choctaw County.
- Q You never heard anything about that treaty? A No, sir; I have no education at all.

Witness excused.....

G. Roserwinkal being duly sworn on his oath states that as stenographer to the Commission to the Five Civilized Tribes he reported in full all the proceedings had in the above entitled cause on June 17, 1902, and that the above and foregoing is a full, true and correct transcript of his stenographic notes in said cause on said date of June 1902.

G. Roserwinkal

Subscribed and sworn to before me this 12 day of July 1902.

L. L. V. Emerson
Notary Public.

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Cow.

COPY.

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.

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In the matter of the application of Georgia Phillips, et al.,
for identification as Mississippi Choctaws, M.C.R. 5842.

---: D E C I S I O N :---

It appears from the record herein that application for
identification as Mississippi Choctaws was made to this Commission
by Georgia Phillips for herself and her two minor children, Hester
and Ruby Phillips, under the following provision of the act of
Congress approved June 28, 1898 (30 Stats., 493):

"Said Commission shall have authority to determine the
identity of Choctaw Indians claiming rights in the Choctaw
lands under article fourteen of the treaty between the United
States and the Choctaw Nation, concluded September twenty-
seventh, eighteen hundred and thirty, and to that end may ad-
minister oaths, examine witnesses, and perform all other acts
necessary thereto and make report to the Secretary of the In-
terior."

It also appears that all of said applicants claim rights
in the Choctaw lands under article fourteen of the treaty between
the United States and the Choctaw Nation, concluded September twenty-
seventh, eighteen hundred and thirty, by reason of being descendants

of George W. Hartley, and Eliza Hartley, who are alleged to have been Choctaw Indians, degree of blood not positively stated, and to have resided in Mississippi in eighteen hundred and thirty.

It further appears from the evidence submitted in support of said application, and from the records in the possession of the Commission, that none of said applicants has ever been enrolled by the Choctaw tribal authorities as a member of the Choctaw tribe, or admitted to Choctaw citizenship by a duly constituted court or committee of the Choctaw Nation, or by the Commission to the Five Civilized Tribes, or by a decree of the United States Court in Indian Territory, under the provisions of the act of Congress approved June 10, 1896 (29 Stats., 321).

It does not appear from the testimony and evidence offered in support of said application, or from the records in the possession of the Commission relating to persons who complied or attempted to comply with the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and to persons who heretofore were claimants thereunder, that the said George W. Hartley, or Eliza Hartley, or ancestors less remote signified (in person or by proxy) to Colonel Wm. Ward, Indian Agent, Choctaw Agency, an intention to comply with the provisions of said article fourteen, or presented a claim to rights thereunder to either of the Commissions authorized to adjudicate such claims by the acts of Congress approved March 3, 1837 (5 Stats., 180) and August 23, 1842 (5 Stats., 513).

It is therefore the opinion of this Commission that the evidence hereto is insufficient to determine the identity of Georgia Phillips, Hester Phillips and Baby Phillips, as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said

-3-

article fourteen of the treaty of eighteen hundred and thirty, and that the application for their identification as such should be refused, and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

(SIGNED)

Tams Bixby.

~~Acting~~ Chairman.

(SIGNED)

T. B. Needles.

Commissioner.

(SIGNED)

C. R. Breckinridge.

Commissioner.

Muskogee, Indian Territory,

APR 9 1903

COPY.

M C R 5842.

Muskogee, Indian Territory, April 9, 1903.

Georgia Phillips,

Caney, Indian Territory.

Dear Madam:

You are hereby advised that on the 9th day of April 1903, the Commission to the Five Civilized Tribes rendered a decision in the case of Georgia Phillips et al., applicants for identification as Mississippi Choctaws.

This application was made under the provision of the act of Congress of June 23, 1898 (30 Stat., 496) which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto, and make report to the Secretary of the Interior."

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Georgia Phillips, Hester Phillips and Ruby Phillips, as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the application for their identification as such should be refused, and it is so ordered."

You are further advised that you will be allowed fifteen days from the date hereof within which to file arguments in this office and that at the expiration of said time the papers in the case to-

-2-

gether with such arguments will be forwarded to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

(SIGNED)

James Birby
Chairman.

Registered.

COPY. M C R 5842.

Muskogee, Indian Territory, April 9, 1903.

B. S. Johnson,
Attorney at Law.
Durant, Indian Territory.

Dear Sir:

You are hereby advised that on the 9th day of April 1903, the Commission to the Five Civilized Tribes rendered a decision in the case of Georgia Phillips, et al., applicants for identification as Mississippi Choctaws.

This application was made under the provision of the act of congress of June 28, 1898 (30 Stats., 495) which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto, and make report to the Secretary of the Interior."

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Georgia Phillips, Hester Phillips and Baby Phillips, as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the application for their identification as such should be refused, and it is so ordered."

You are further advised that the applicants in this case have been allowed fifteen days from the date hereof within which to file arguments in this office, and that at the expiration of said

-2-

time the papers in the case together with such arguments will be forwarded to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

SIGNED

James D. Dwyer
Chairman.

Registered.

OPY,

M C R 5842.

Muskogee, Indian Territory, April 9, 1903.

Wansfield, McMurray & Cornish,

Attorneys for the Choctaw and Chickasaw Nations,

South McAlester, Indian Territory.

Gentlemen:

You are hereby advised that on the 10th day of April 1903, the Commission to the Five Civilized Tribes rendered a decision in the case of Georgia Phillips, et al., applicants for identification as Mississippi Choctaws.

This application was made under the provision of the act of Congress of June 28, 1898 (30 Stats., 495)

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Georgia Phillips, Hester Phillips and Ruby Phillips, as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the application for their identification as such should be refused, and it is so ordered."

You are further advised that the applicants in this case have been allowed fifteen days from the date hereof within which to file arguments in this office, and that at the expiration of said time the papers in the case together with such arguments will be forwarded to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

(SIGNED)

James Bixby

Chairman.

Muskogee, Indian Territory, April 24, 1903.

Received of the Commission to the Five Civilized Tribes
one copy of testimony and one copy of decision in the Mississippi
Choctaw case of Georgia Phillips, et al M C R 5842

B. S. Johnson
Attorney for applicants.

(COPY)

Muskogee, Indian Territory, April 25, 1903.

The Honorable,

The Secretary of the Interior.

Sir:

There is transmitted herewith the record in the case of Georgia Phillips, et al., applicants to the Commission for identification as Mississippi Choctaws, including the decision of the Commission of April 9, 1903.

The Commission has the honor to report that the principal applicant herein, her attorney of record and the attorneys for the Choctaw and Chickasaw Nations have been duly advised by letter of the action of the Commission, copies of said letters being attached to the record.

The applicants in this case are related to the applicants in the consolidated Mississippi Choctaw case of Samuel T. Hartley, et al., decision in which was rendered by the Commission on July 11, 1902, and approved by the Secretary on October 25, 1902.

Respectfully,

(Signed)

TAMM RIXBY,

Chairman.

Through the
Commissioner of Indian Affairs.

2 enclosures M.C.R. 5842.

(COPY)

Land
27646--1903.

DEPARTMENT OF THE INTERIOR,

Office of Indian Affairs,

Washington, July 2, 1903.

The Honorable

The Secretary of the Interior.

Sir:

There is transmitted herewith the record of the proceedings had before the Commission to the Five Civilized Tribes in the matter of the application of Georgia Phillips for the identification of herself and her two minor children, Hester and Baby Phillips, as Mississippi Choctaw Indians.

On April 9, 1903, the Commission rendered a decision in this case finding that the evidence is insufficient to determine the identity of these applicants as Mississippi Choctaws entitled to rights in the Choctaw lands under the provisions of article 14 of the treaty of 1830, and that the application for their identification as such should be refused.

An examination of the record evidence shows that these applicants claim to have inherited their Choctaw blood from the father of the principal applicant, whose name was Samuel T. Hartley, and through him from her grandfather, George W. Hartley, and Eliza Hartley. The said Samuel T. Hartley states in his testimony that he is 73 years old and was born in Mississippi. Being that old, he

should be able to show beyond any doubt whether or not these applicants are entitled to be identified as Mississippi Choctaw Indians entitled to rights in the lands of the Choctaw Nation by reason of the compliance of their ancestors with the provisions of said article 14 of the treaty of 1830, but he does not establish this fact.

Neither the record evidence nor an examination of the records in this office shows that any person by the name of Samuel T. Hartley, George W. Hartley or Eliza Hartley ever complied or attempted to comply with the provisions of article 14 of said treaty, or received a patent for land or scrip in lieu thereof by reason of any such compliance.

The office therefore considers said decision of the Commission correct and in accordance with the evidence submitted by the applicants, and recommends that it be affirmed by the Department.

Very respectfully,

W. A. Jones,
Commissioner.

WCB-S

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D.C.22225

ITD.5396-1903.

DEPARTMENT OF THE INTERIOR.

WASHINGTON.

J.P.

W.C.F

MAF.

August 8, 1903.

Commission to the Five Civilized Tribes,

Muskogee, I. T.

Gentlemen:

April 25, 1903, you transmitted the record in the matter of the application for identification of Georgia Phillips and her minor children, Hester and Baby Phillips, as Mississippi Choctaws, including your decision of April 9, 1903, refusing the application.

The applicants claim rights to Choctaw lands under article 14 of the treaty of 1830 by reason of being descendants of George W. Hartley and Eliza Hartley, through their son, Samuel T. Hartley, father of the principal applicant, it being alleged that said ancestors were Choctaw Indians and residents of Mississippi in 1830.

The said Samuel T. Hartley being introduced as a witness states that he was 72 years of age at the date of this application that he was born in Mississippi, but knows nothing of the compliance of his ancestors with the provisions of the Choctaw treaty.

Neither the record herein nor the records of the Indian Office shows that any one of the ancestors of the applicants complied or attempted to comply with article 14 of the treaty of September 27, 1830, or with either of the subsequent acts of Congress relating thereto.

-2-

The Commissioner of Indian Affairs forwarded the record July 2, and recommended that your decision be approved. A copy of his letter is inclosed.

The department has reviewed the entire record, and finds no reason to modify your decision; it is accordingly affirmed.

Respectfully,

THOS. RYAN.

1 inclosure.

Acting Secretary.

M.C.R. 5842.

Muskogee, Indian Territory, August 25, 1903.

Georgia Phillips.

Cenoy, Indian Territory.

Dear Madam:

You are hereby notified that on the 8th day of August, 1903, the Secretary of the Interior affirmed the decision of this Commission refusing the application for identification as Mississippi Choctaws of the several persons included in the case of Georgia Phillips, et al., of which decision you were advised by registered mail on the 9th day of April, 1903.

Respectfully,

James Bixby,
Chairman.

COPY.

M C R 5842

Muskogee, Indian Territory, April 10, 1903.

M. J. Phillips,

Caney, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of your letter of the 7th instant, in which you ask "What disposition has been made of my wife's case (Mrs. Georgia A. Phillips, nee Hartley)."

In reply to your letter you are informed that the Commission, on April 9, 1903, rendered its decision refusing the application made by Georgia Phillips, wife of Miles Phillips, for the identification of herself and two minor children as Mississippi Choctaws, and on the same date she was notified by registered mail of the action of the Commission and that she was granted fifteen days from the date of said decision within which to file arguments in support of her claim to be transmitted to the Secretary of the Interior.

The fifteen days heretofore granted in this case will expire on April 24, 1903, and on April 23, 1903, the record in the case, together with such arguments as may be offered, will be forwarded to the Secretary of the Interior.

Respectfully,

(SIGNED).

Tams Bixby.
Chairman.

H.O.R. 5842.

Muskogee, Indian Territory, August 25, 1903.

B. S. Johnson,

Attorney-at-Law,

Durant, Indian Territory.

Dear Sir:

You are hereby notified that on the 8th day of August, 1903, the Secretary of the Interior affirmed the decision of this Commission refusing the application for identification as Mississippi Choctaws of the several persons included in the case of Georgia Phillips, et al., of which decision you were advised by registered mail on the 9th day of April, 1903.

Respectfully,

(SIGNED)

James P. Bisset
Chairman.

M.C.R. 5842.

Muskogee, Indian Territory, August 25, 1903.

Mansfield, McMurray & Cornish,

Attorneys for the Choctaw and Chickasaw Nations.

South McAlester, Indian Territory.

Gentlemen:

You are hereby notified that on the 8th day of August, 1903, the Secretary of the Interior affirmed the decision of this Commission refusing the application for identification as Mississippi Choctaws of the several persons included in the case of Georgia Phillips, et al., of which decision you were advised by mail on the 9th day of April, 1903.

Respectfully,

Tamie Birby.

Chairman.

No. 5842

For Identification as a Mississippi Choctaw.

Date

JUN 1, 1906

Name Georgia Phillips.

Age 33 Blood $\frac{3}{8}$

Post-Office Caney, I. T.

Father Sam Hartley, — l.

Mother Margaret " d.

Claims through father
husband

Miles Phillips, l. w.

No claim for husband

Children:

Hester Phillips - 12.

Ruby " M 5

Claims for self &

2 children

Stenographer

G. R. R. R. R. R.

Choctaw MCR 5843

Charlie King

MCR 5843

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.

---o---

In the matter of the application of Charlie King, et al.,
for identification as Mississippi Choctaws, M.C.R. 5843.

List of papers forwarded to the Secretary of the Interior
comprising the record in the above case.

	(Page)
Original application of Charlie King, et al., to the Dawes Commission for identification as Mississippi Choctaws-----	1
Decision of the Commission refusing the ap- plication for identification as Mississippi Choctaws of Charlie King, et al.-----	11

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DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES,
Muskogee, I. T., March 28th, 1904.

M C R 5845

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In the matter of the application made by Charlie King,
et al. for identification as Mississippi Choctaws.

ADDITIONAL PROCEEDINGS

Appearances { J. C. Lowery, attorney for applicants.
 { G. Rosenkinkel on behalf of Mansfield, McMurray &
 { Cornish, attorneys for Choctaw and Chickasaw Na-
 { tions.

STATEMENT BY J. C. Lowery, attorney for applicants:

Attorney for applicant made every endeavor to procure
the attendance of witnesses at this time, and has wholly failed to
have the appearance of any of his witnesses to testify in this
case, and is now perfectly willing to close the case and let it
go on its merits.

By the Commission:

Have you anything to say, Mr. Rosenwinkel?

By Mr. Rosenwinkel to attorney for applicants:

What do you mean by
"letting the case go on its merits"? Let it stand as it now
stands?

By attorney for applicants:

Yes sir.

Albert O. McMillan being first duly sworn states that as
stenographer to the Commission to the Five Civilized Tribes he re-
ported in full all the proceedings had in the above entitled cause
on March 28, 1904, and that the above and foregoing is a full, true
and correct transcript of his stenographic notes taken in said
cause on said date.

Albert O. McMillan

Subscribed and sworn to before me this 28th day of March, 1904.

Charles H. Sawyer
Notary Public.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES,
Muskogee, I. T., March 28th, 1904.

M C R 5943

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In the matter of the application made by Charlie King,
et al. for identification as Mississippi Choctaws.

A D D I T I O N A L P R O C E E D I N G S

Appearances { J. C. Lowery, attorney for applicants.
 { G. Rosenwinkel on behalf of Mansfield, McMurray &
 { Cornish, attorneys for Choctaw and Chickasaw Na-
 { tions.

STATEMENT BY J. C. Lowery, attorney for applicants:

Attorney for applicant made every endeavor to procure
the attendance of witnesses at this time, and has wholly failed to
have the appearance of any of his witnesses to testify in this
case, and is now perfectly willing to close the case and let it
go on its merits.

By the Commission:

Have you anything to say, Mr. Rosenwinkel?

By Mr. Rosenwinkel to attorney for applicants:

What do you mean by
"letting the case go on its merits"? Let it stand as it now
stands?

By attorney for applicants:

Yes sir.

Albert G. McMillan being first duly sworn states that as
stenographer to the Commission to the Five Civilized Tribes he re-
ported in full all the proceedings had in the above entitled cause
on March 25, 1904, and that the above and foregoing is a full, true
and correct transcript of his stenographic notes taken in said
cause on said date.

Albert G. McMillan

Subscribed and sworn to before me this 28th day of March, 1904.

Charles Hestawson
Notary Public.

Department of the Interior
Commission to the Five Civilized Tribes
Muskogee, I.T. June 17, 1902.

5843

In the matter of the application for identification as Mississippi Choctaws of Charlie King, for himself and his seven minor children, Odessa, Charlie, (Junior) Lucy, Earnest, Johnnie, Willie May, and Lee Nova King.

J. C. Lowry, attorney for applicants.

Charlie King, being first duly sworn, testifies as follows:

-Examination by the Commission:-

- Q What is your name? A Charlie King.
Q What is your age? A I don't know exactly; I guess about forty-five or fifty.
Q I will make it whatever you want? A I think about fifty but I am not certain.
Q What is your post office address? A Okmulgee.
Q Indian Territory? A Yes, sir.
Q How long have you lived there? A Going on three years.
Q Where did you live before that? A In Texas.
Q Where were you born? A I was born in the Nation; I don't know just where.
Q In Indian Territory? A Yes, sir.
Q Where in the Indian Territory were you born? A From what this old lady says (indicating) as near as I can remember we were on the road to Texas when I was taken out of here.
Q When were you born; before the War or after the War? A I guess I was born before may be.
Q You was born in slavery? A You mean in slavery-time?
Q Were you ever a slave? A Not that I know of.
Q Was your father a slave? A I don't know my father at all.
Q Was your mother? A No, sir.
Q Is your father living or not? A I don't know.
Q Don't know his name? A No, sir.
Q Is there anybody living that you know of who does know who your father was? A Not that I know of.
Q Is your mother living? A I don't know.
Q What was her name? A Laura King.
Q Don't you know whether she was a slave or not? A She was not a slave I don't guess.
Q What was she? A She was an Indian.
Q How much Indian blood did she have? A I don't know she must have been some.
Q Will she must have been; I want you to know? A There is the question; I was small when I was taken away from her.
Q If you don't know I want you to say so. A I don't know.
Q Did she have any Negro blood? A I don't know.
Q Did your father have any Negro blood? A I don't know.
Q Did you have a pretty good lot of Negro blood where do you get it?
A It might come from my father.

- Q Well did you get any Chinese blood from either? A I don't know.
- Q Did you hear that your father was a full blood Negro or white man? A No, sir.
- Q What did you hear about your father? A I never heard anything about him.
- Q Don't know where he lived? A No, sir.
- Q Where he ever lived? A No, sir.
- Q What his blood was? A No, sir.
- Q Whether he was a slave or free? A No, sir.
- Q Never heard your mother say? A No, sir.
- Q It is very hard to believe that a man lives and had an opportunity to know some thing about your father which you must have had through your mother that you don't know anything about your father. Do you mean to swear that you don't know anything about your father and never heard? A Yes; I mean just exactly that.
- Q How much Negro blood did your mother have? A I don't know.
- Q How much Choctaw blood did your mother have if any? A I don't know I was small.
- Q How do you know that she had any? A Well her grandmother spoke a language that I don't understand and my mother told me that that was my grandmother and this woman says that I was in the Creek Nation.
- Q What information have you that you any Choctaw Indian blood? A I have this to say that I have it in me; here is what it is; during the War the people came through from Missouri, this witness will testify, they took me from my people.
- Q Who took you from your people? A White people by the name of West and carried me to Texas. My mother told me about my grandmother.
- Q Did your mother ever tell you how much Choctaw blood she had? A No, sir.
- Q You have no knowledge of telling how much Choctaw blood you have? No, sir; I could not tell the truth and say how much I have.
- Q Do you know that you have any Choctaw blood at all? A Only from what I have been told.
- Q Have you any Cherokee blood? A Not that I know of.
- Q Have you any Creek blood? A Not that I know of.
- Q Have you any Chickasaw blood? A Not that I know of?
- Q And you don't know whether you got any Choctaw? A Only what I heard from the old family.
- Q Through whom do you claim whatever Choctaw blood you may have? A Through my mother and my grandmother.
- Q Was your mother ever recognized in any way of enrolled as a member of the Choctaw tribe if Indians by the Choctaw tribal authorities or the United States authorities in Indian Territory? A I don't know sir.
- Q Are you married? A Yes, sir.
- Q What is your wife's name? A Matilda.
- Q Is she a Negro? A Yes, sir.
- Q She is living is she? A Yes, sir.
- Q You don't make any claim for as a Choctaw? A No, sir.
- Q Give me the name of your oldest child under age and unmarried? A Odessa King.
- Q How old is Odessa? A She is about seventeen.
- Q Not married? A No, sir.
- Q What is the name of the next? A Charlie.
- Q Is that Charlie Junior? A Yes, sir.
- Q How old is Charlie? A Fifteen.
- Q Next? A Lucy.
- Q How old is Lucy? A She is twelve may be thirteen.

- Q You want to leave it twelve or thirteen? A You better put it thirteen.
- Q What is the name of the next? A Earnest.
- Q E-a-r-n-e-s-t? A Yes, sir.
- Q How old is Earnest? A Eleven I guess.
- Q Next? A Johnnie.
- Q Boy? A Yes, sir.
- Q How old is Johnnie? A Nine.
- Q Next? A Willie May.
- Q Girl? A Yes, sir.
- Q How old? A She is six.
- Q Next? A Lee Movia.
- Q L-e-e Movia? A Yes, sir.
- Q Two separate names? A Yes, sir.
- Q Girl? A Yes, sir.
- Q How old? A She is three.
- Q That is all? A Yes, only I have got one older than any of them.
- Q That one is married? A Yes, sir.
- Q What is his name? A Henry King but he is by another woman.
- Q What was his mother's name? A Ella Whitlow.
- Q Were you ever married to her? A No, sir.
- Q Illegitimate child? A Yes, sir.
- Q He will have to make application for himself? A Yes, sir.
- Q You never lived in Mississippi did you? A No, sir.
- Q And was born in the Territory as I understand you? A Yes, sir.
- Q Went from the Territory to what state? A Texas.
- Q Then did you go from Texas back? A Yes, sir.
- Q You never lived out of the Territory except in Texas? A No, sir.
- Q What is your occupation? A Mostly looking after cattle but I am farming now.
- Q Where is your farm in Okmulgee? A Yes, sir.
- Q Is Matilda King the mother of these children? A Yes, sir.
- Q You are the father? A Yes, sir.
- Q Are you and your wife living together and these children living with you and your wife at your home? A Yes; all but one I send her to school.
- Q When and where were you married to your wife? A Denton County, Texas.
- Q You remember the exact day of the month? A I remember the year.
- Q When was it? A In eighty-three.
- Q But you don't remember the month do you? A No, sir; I don't remember the day and the month.
- Q Were you married by a minister and under a license? A Yes, sir.
- Q Have you proof of that marriage with you? A No, sir; not with me.

It will be necessary for you to introduce evidence of the marriage of yourself and wife in order to support the application you make for these minor children. You will be given until the first day of July 1902, in which to introduce that testimony also any other proof you may want to submit in support of this claim.

- Q Is your name or the names of your children on any of the tribal rolls of the Choctaw Nation in Indian Territory? A No, sir.
- Q Have you ever made application for citizenship in the Choctaw Nation to the Choctaw tribal authorities in Indian Territory? A No, sir.

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- Q Have you ever made application for citizenship for yourself and these Children in the Choctaw Nation to the Dawes Commission under the act of Congress of June 10, 1896? A No, sir.
- Q Is this the first application you have ever made for citizenship or enrollment in the Choctaw Nation either to the Choctaw tribal authorities or the United States authorities in Indian Territory? A Yes, sir.
- Q Have you ever been admitted with your children to full citizenship in the Choctaw Nation by either the Choctaw tribal authorities, the Commission to the Five Civilized Tribes or the United States Court in Indian Territory? A No, sir.
- Q Do you now come before the Commission to be identified as a Mississippi Choctaw and to identify these children as Mississippi Choctaws claiming under article fourteen of the treaty of 1830? A I don't just exactly understand that.

The treaty of 1830 was made between the United States government and the Choctaw Indians at a place in Mississippi, called Dancing Rabbit Creek on the 27th day of September of the year 1830. The object of the treaty was the removal as far as possible of all the Choctaw Indians who lived in that old Choctaw Nation East of the Mississippi River to the Choctaw Nation Indian Territory. Before the treaty was signed it became known that a good many Choctaw Indians would not go to the Choctaw Nation Indian Territory under the treaty, in order therefore to protect the interests of those Indians who preferred to stay back there in the old Choctaw Nation article fourteen was put into the treaty. That article is as follows:

"Each Choctaw head of a family being desirous to remain and become a citizen of the States shall be permitted to do so by signifying his intention to the Agent within six months from the ratification of this treaty and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land to be bounded by sectional lines of survey; in like manner shall be entitled to one half that quantity for each unmarried child which is living with him over ten years of age and a quarter section to such child as may be under ten years of age, to adjoin the location of the parent. If they reside upon said lands intending to become citizens of the States for five years after the ratification of this treaty in that case a grant in fee simple shall issue; said reservation shall include the present improvement of the head of the family or a portion of it. Persons who claim under this article shall not lose the privilege of a Choctaw citizen but if they ever remove are not to be entitled to any portion of the Choctaw annuity."

- Q Did any of your ancestors comply or attempt to comply with article fourteen of that treaty? A I don't know.
- Q What is the name of your ancestor through whom you claim your right to be identified as a Mississippi Choctaw? A My mother.
- Q Go back as far as you want? A Nellie Dyer, my grandmother.
- Q How much Choctaw blood did she have? A Well I think she was a full blood, I am not positive but from what my mother talked--.
- Q Is she your mother's mother? A Yes, sir; I could not understand her good; my mother talked English some.
- Q Your mother spoke English; are you sure about that? A She talked some.
- Q Did she not talk it a good deal? A Not a good deal.
- Q Why don't you talk Choctaw if your mother did? A I have been

away from there a long time.

Q Did you ever hear Choctaw? A Yes, I heard some.

Q Can you speak any Choctaw? A No, sir.

Q How long have you been away from your mother? A Since I was about six or seven years old.

Q Will you explain to me how you could have lived with your mother who spoke mostly altogether Choctaw and you could not talk any? A Because I have talked out of it.

Q Don't you think you would retain some Choctaw words? A Well I don't know.

Q Are you deadsure that your mother spoke any Choctaw at all? A Of course I could not judge because I don't understand it. I know she spoke something that I could not understand.

Q You mean to say you don't know whether she was a Choctaw or not? I think only just from my mother.

Q Did she speak that foreign language a good deal of the time? Some times she did when she was among the others that spoke some language.

Q You never learned a word of it? A If I did I have forgotten it; I can't speak it now.

Q Did your grandmother live in Mississippi or Alabama in 1830?

A I don't know sir.

Q Can you give me the name of any Choctaw ancestor who did live in Mississippi or Alabama in 1830? A No, sir.

Q Do you know anything about article fourteen of the treaty of 1830? A No, sir.

Q Or the complaints of your ancestors with that article of that treaty? A No, sir.

Q How old would Nellie Dyer be if she were living now? A I don't know; I suppose she would be pretty old.

Q What was her husband's name? A I don't know that.

Q Do you know whether Nellie Dyer was her maiden name or married name? A No, sir.

Q Was she a slave at any time? A I don't think she was.

Q Do you know? A No, sir.

Q Was her husband at any time a slave? A I don't know sir.

Q Where did she live, Nellie Dyer, at any time? A Somewhere in the Nation.

Q Did she live in Mississippi? A I don't know sir; where I seen her was in the Nation somewhere, I don't know just exactly what place.

Q You don't know much about your ancestors? A No, sir; not a great deal.

Q Do you rely upon this woman to testify about your ancestors?

A I rely upon her to testify when I was taken away from them.

Q Do you know where you were taken away from them? A It was during the War.

Q If you have a witness here who knows something about your previous life don't you think it worth your while to find out something about it yourself? A I do know something about it myself.

Q Go ahead and tell it? A I cannot tell when they left Mississippi; I just know this that we and some Indian children were playing along side of the road where we were camped.

Q Whereabouts? A In the Territory and these people came along and got talking to us children and gave us some candy and got me in a wagon to ride and from that they just carried me off and I never got back to my people any more.

Q How were you a slave after that? A No, sir; they carried me off and gave me to this woman here, my witness.

- Q So they stole you and gave you to her? A Yes; and gave me to her.
- Q Well then what does she know about your previous ancestry? A No, sir; she was just there in the company.
- Q In the company that stole you? A Yes; with the white people.
- Q Did any of your ancestors own any land or claim any land in Mississippi or Alabama under article fourteen of the treaty of 1830? A I don't know sir.
- Q Did any of your Choctaw ancestors within six months from the ratification of the treaty of 1830 tell the United States Indian Agent in Mississippi that they wanted to stay there in Mississippi, take land there and become citizens of the States? A I don't know.
- Q Did any of your Choctaw ancestors own any improvements on land in Mississippi or Alabama in 1830? A I don't know sir.
- Q Did any of them go from that old Choctaw Nation, East of the Mississippi River, to the Choctaw Nation, Indian Territory with the other Indians between 1833 and 1838 or forty? A I don't know sir.
- Q Do you know whether any of your Choctaw ancestors complied with article fourteen of the treaty of 1830 or attempted to comply with it? A No, sir.
- Q You don't know whether any of them lived in the old Choctaw Nation either in Mississippi or Alabama in 1830? A No, sir.
- Q Or whether they were heads of families there then? A No, sir.
- Q Is there anybody living who does? A I don't know of anybody.

The Choctaw Indians who remained in the old Choctaw Nation East of the Mississippi River after the treaty of 1830 was ratified were required if they wanted to take advantage of article fourteen of the treaty of 1830 to go to the United States Indian Agent whose name was Colonel Ward within six months from the ratification of the treaty and tell him that they wanted to stay in Mississippi, take land there and become citizens of the States. A good many Choctaw Indians did this whose names Colonel Ward neglected to put upon his list known as Ward's register. His neglect to make a proper registration of these Indians who came before him to register under article fourteen caused a good many Indians who had land in the old Choctaw Nation upon which they had improvements to lose both their land and their improvements; both were taken from them by the government and sold at its public land sales. To remedy this wrong two Commissions were appointed; one in 1837 and another in 1842. These two Commissions went to Mississippi and heard claimants under article fourteen of the treaty of 1830.

- Q Did any of your Choctaw ancestors go before either of these two Commissions, that of 1837 or the Commission of 1842, and claim any benefits as Choctaw Indians under that article of that treaty? A Not that I am aware of.
- Q Did any of your Choctaw ancestors receive any scrip from the government as Choctaw Indians which entitled them to select land in Mississippi, Alabama, Louisiana or Arkansas to take the place of land that they had formerly held in the old Choctaw Nation and which the government had taken from them and sold? A Not that I know of.

This scrip was issued under an act of Congress approved August 25, 1842, and issued to those Indians who proved their rights under article fourteen and also proved that they had formerly held land in Mississippi, which the government had taken from them and sold at its public land sales.

- Q Have you any relatives who have been before the Commission to be identified as Mississippi Choctaws? A Not that I know of.
- Q Have you any evidence you want to introduce except this woman? A We have some but they are not here.
- Q Do you speak or understand the Choctaw language? A No, sir.

Examination by attorney Lowry.

- Q Are you acquainted with Ann Tolston? A Yes, sir.
- Q How long have you known her? A Ever since I was very small, I guess about six or seven, somewhere along there.
- Q Do you remember the instant definitely when you first met her? Yes; I remember that.
- Q Just go-ahead and state how it occurred? A It was this way, they came along a company of travelers and I and some more children were playing along around the camp and some of the men got talking with us and one of them seemed to be decoying me along and gave me some candy and he got me in a wagon and just kept going and this woman was there then and so we went on and that night he just kept me, of course I never did think that I was doing anything wrong by going along.
- Q You know how old you was the first time you realized that you was in Texas? A No, sir; I don't know what I do.
- Q Did you ever leave Texas before you was married? A Yes, sir.
- Q Where did you go? A I went to the Chickasaw Country and I went to the Commanche and I have been here in Oklahoma and I have been back in the Choctaw once or twice.
- Q Mr. King what is your mother language is it English or Indian? A I think it was a kind of broken language as near as I can remember; it was not English altogether.
- Q I mean this; what was the language that you learned from your mother, when I asked you what was your mother language, English or Indian? A English.
- Q Did you ever see your grandmother? A Yes, sir.
- Q Ever hear her talk? A Yes, sir.
- Q What was her language? A It was Choctaw I guess; it was something I could not understand.
- Q You did not understand it? A No, sir.
- Q When you was taken down to this country as you say among what class of children did you associate with; was they colored people, Indians or white people? A They was Indians.
- Q Now state if you remember whether it was an Indian camp or whether you was in town or where? A It was in the camp, they called it a tepees (tepee) I think.
- Q What was the general characteristic of your grandmother, was it that of an Indian, Negro or white woman? A It was an Indian.
- Q What was that of your mother? A She was an Indian too.
- Q You know nothing of your father? A No, sir.
- Q You never have had any conversation with anybody as to the family tradition except this witness you have here Ann Tolston? A No, sir; none that I know of.
- Q Was you old enough at that time to realize that you were in the Indian Territory, when you were stolen? A Yes; I was about eight years old.
- Q Did you really know where you was at? A No, sir; I did not know that.
- Q Never made any application before the Daws Commission for enrollment for any of the Five Civilized Tribes? A No, sir.

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- Q You say you know when you were in the Indian Territory when you were stolen? A Yes, sir.
- Q How did you know it? A I knew it by my mother being there.
- Q Do you know when you crossed the boundary line going from the Indian Territory to Texas? A Only from what the people said.
- Q Did they tell you when they crossed the line? A Yes; they said "we are in Texas."
- Q What did they say? A They said "we are in Texas now".
- Q Tell me all about what they said? A The only thing I can remember "Now we are in Texas, we are out of the Territory".
- Q You remember that distinctly? A Yes, sir.
- Q How old were you then? A About seven or eight.
- Q What did they want to steal you for? A I don't know that.
- Q What was there nice about you that they wanted to steal you? A A I don't know.
- Q Did they steal anybody else around there? A Not that I know of.
- Q All the rest were Indians? A Yes, sir.
- Q But you are the only one they stole? A Yes, sir.
- Q What did they want to steal you for; because you looked like an Indian? A It might have been because I looked like a Negro.
- Q Do you think you look like an Indian? A I can't tell you.
- Q Did anybody ever take you for an Indian? A Yes, sir.
- Q Did anybody ever take you for a Negro? A They did where I lived.
- Q You don't know anything about article fourteen? A No, sir.
- Q Don't know anything about your people? A No, sir.
- Q So far as your recollection goes it dates back to when you were stolen? A Yes, sir.

Examination by attorney Lowry.

- Q All you know is what your grandmother and mother have stated to you? A That is all.
- Q Did you ever hear your mother say where she came from or anything of that kind anything about her grandmother or great grandmother or any of her ancestors? A I don't remember whether they did or not.

Witness excused.....

Ann Tolston, called as a witness, being first duly sworn testifies as follows:

Examination by the Commission.

- Q What is your name? A Ann Tolston.
- Q Are you acquainted with Charlie King? A Yes, sir.
- Q Did you steal him? A No, sir.
- Q You were in the crowd? A I was in the crowd but I did not have anything to do with it. If it had been left to me I would never have stole him because I had more trouble with him.
- Q How old are you? A I don't know.
- Q Are you twenty-five? A Yes; more than that.
- Q Are you fifty? A I would not be surprised.
- Q Were you a little girl at the time of the emancipation? A No, sir.
- Q Do you think you are sixty years old? A I know I am old but I don't know how old.
- Q You don't really know how old you are? A No, sir.
- Q What do you know about Charlie King? A Well they picked him up there at the Indian camp.

- Q Hewas a little pickaninny at that time running around there? A He was running around the Indian camps there; I don't know whether he was a pickaninny or not.
- Q Was he a little colored boy? A I don't know.
- Q He was not an Indian? A He must have been there was nothing but Indians around there.
- Q You know he is colored don't you? A No, sir; I don't.
- Q Has he got any colored blood in him? A Not that I know anything about.
- Q How much darkey blood has he got? A I don't know.
- Q How much Indian blood has he? A I don't know; he looks like all Indians to me.
- Q Tell me what you know about his ancestors; you know what I mean by ancestors? A No, sir; I am not an educated person.
- Q I mean his father and mother; grandfather and grandmother; great-grandfather or great-grandmother? A No, sir.
- Q Did any of them ever live in Mississippi? A I don't know.
- Q He comes here and makes application as a Mississippi Choctaw and he don't know whether or not he ever had any people who lived in Mississippi and you who are his witness don't know? A Well we come from Missouri to Texas and here in the Indian territory there is where we got him at.
- Q What made you take him? A I never took him; the white folks took him.
- Q Don't you know that you are liable to be arrested for taking people? A I would not have taken him for anything.
- Q How did you get him? A The white folks gave him to me.
- Q When was this? A It was during the War.
- Q You were a slave? A Yes, sir.
- Q Was he a slave? A No, sir.
- Q Well you were a slave and they turned him over to you to take care of? A Yes; old man West when he came on with us he said, he came from Indiana, that he wanted his black ones to be free.
- Q How about this boy having been a slave after he was stolen and turned over to you; he was stolen and made a slave? A I don't know I was not a slave, any more after I came to Texas.
- Q Is that all you know about him? A Yes, sir.
- Q Don't know anything about his Choctaw blood? A No, sir.
- Q Don't know whether he has got one sixty-fourth or one-half? A No sir.
- Q You never heard anybody say who happened to know? A No, sir.
- Q You just know that he was stolen by some people coming through the Territory? A There was a heap of people coming through there.
- Q You don't know anything about his ancestors? A No, sir.

Examination by attorney Lowry.

- Q Charlie is not as black as you are? A No, sir; he is no kin of
- Q His hair is straighter than yours too aint it? A Yes, sir. (mine,
- Q Now down there where he was stolen did you see any other kind of people than Indians? A Nothin but Indians that I could see.
- Q What did the white folks say to you when they stole the child? After they stole him they said "you take him and take him as yours".
- Q As yours? what do you mean? A To keep him, the same as my own child.
- Q How old was he to the best of your judgment at that time? A He looked to be about ten years old I reckon; I could not understand anything he said. Milk was the only thing I could make-

stand him to say.

- Q Then you went on to Texas and took him along? A Yes, sir.
 Q How long did you stay in Texas; how long did he stay there? A Until he got to be a great big boy; he came back to the Nation every time he got home.
 Q You mean a boy how old? A About eighteen or nineteen years old.
 Q Did you ever hear him say anything about his mother or anything of that kind? A He always wanted to go back.
 Q Did you ever hear him say what his mother's name was? A He said her name was—Kiny; I think he said—I forget what it was now.
 Q He knew that you was not his mother? A Oh! yes, he knew that. That is how come me to find out his mother's name.

By the Commission:

- Q What is your post office address? A Okmulgee, Indian Territory? A Yes, sir.
 Q Are you married and have a family there? A No, sir; I am a widow woman.
 Q Have you any family there? A No, sir.

By attorney Lowry:

- Q You have no interest in this case? A No, sir.

witness excused.....

This applicant has the appearance and physical characteristics of being descended from African parentage; he is somewhat lighter in color than his witness, Ann Tolston, but the Commission has seen many full blood negroes lighter than this applicant. His hair is not as curly as that of the full blood Negro but he has the characteristics of a Negro and speaks like one. In no way does he seem to the Commission to have any of the characteristics of an Indian. It may be that he has Negro and white blood; he does not know anything about his ancestors and he does not know anything about his father and mother. He certainly does not know anything about his ancestors and relies upon the testimony of his witness, which he introduced, who raised him after he says he was stolen but she never saw him until after he was stolen, a boy eight or ten years of age. She knows nothing about his father and mother and therefore knows nothing about his Choctaw ancestors. There is absolutely nothing in the testimony given by this applicant or his witness which shows that he had a Choctaw ancestor or that any ancestor of his complied with article fourteen of the treaty of 1830.

G. Rosenwinkel being duly sworn on his oath states that as stenographer to the Commission to the Five Civilized Tribes he reported in full all the proceedings had in the above entitled cause on June 17, 1908, and that the above and foregoing is a full, true and correct transcript of his stenographic notes in said cause on said date of June 1908.

Subscribed and sworn to before me this 17th day of July 1908.

G. Rosenwinkel
John V. Emerson

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DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.

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In the matter of the application of Charlie King, et al.,
for identification as Mississippi Choctaws, M.C.R. 5843.

---: D E C I S I O N :---

It appears from the record herein that application for identification as Mississippi Choctaws was made to this Commission by Charlie King for himself and his seven minor children, Odessa, Charlie Jr., Lucy, Earnest, Johnnie, Willie May and Lee Novia King, under the following provision of the act of Congress approved June 28, 1898 (30 Stats., 495):

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto and make report to the Secretary of the Interior."

It also appears that all of said applicants claim rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, by reason of being descendants

of Nelly Dyer, who is alleged to have been a full-blood Choctaw Indian.

It further appears from the evidence submitted in support of said application, and from the records in the possession of the Commission, that none of said applicants has ever been enrolled by the Choctaw tribal authorities as a member of the Choctaw tribe, or admitted to Choctaw citizenship by a duly constituted court or committee of the Choctaw Nation, or by the Commission to the Five Civilized Tribes, or by a decree of the United States Court in Indian Territory, under the provisions of the act of Congress approved June 10, 1896 (29 Stats., 321).

It is found that the name Nelly Dyer appears on pages 46, 48, 49, 50, 140, 170, 171, 172, 174, 176, 247 and 316 of Volume I, Claimant's Brief and Evidence in the case of the Choctaw Nation vs. United States before the Court of Claims No. 12742, and also on pages 628 and 640 of Volume VII, American State Papers, Public Lands, in a number of lists, statements and depositions relating to claims arising under article fourteen of the treaty of "Dancing Rabbit Creek," but it does not appear from the evidence submitted by the applicants herein that the Nelly Dyer through whom they claim, is the identical Nelly Dyer whose name appears in the records above cited.

It is also found that the name Nelly Dyer appears on page 94 of Volume VII, American State Papers, Public Lands, in a list of names of Choctaw Indians, heads of families, who resided in Greenwood Leflore's district in the territory occupied by the Choctaw Indians in the States of Mississippi and Alabama at the date of the making of the treaty of "Dancing Rabbit Creek," and had lands in cultivation, in exchange for which they were to receive stipulated tracts of land in accordance with the provisions of the nineteenth article of said treaty. The records above referred to in no way relate to article fourteen of the treaty of eighteen hundred and thirty or show a compliance or attempted compliance on the part of the

persons therein named with its provisions.

It is further found from the records in the possession of the Commission, that a person bearing the name of Nelly Dyer received scrip as a beneficiary under article fourteen of the treaty of "Dancing Rabbit Creek," but there is nothing in the testimony of the applicants which tends to show that the Nelly Dyer who received such scrip is identical with the person through whom they claim.

It does not appear from the testimony and evidence offered in support of said application, or from the records in the possession of the Commission, relating to persons who complied or attempted to comply with the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and to persons who heretofore were claimants thereunder, that the said Nelly Dyer, through whom these applicants claim, or an ancestor less remote, signified (in person or by proxy) to Colonel Wm. Ward, Indian Agent, Choctaw Agency, an intention to comply with the provisions of said article fourteen, or presented a claim to rights thereunder to either of the Commissions authorized to adjudicate such claims by the acts of Congress approved March 3, 1837 (5 Stats., 180) and August 23, 1842 (5 Stats., 813).

It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Charlie King, Odessa King, Charlie King, Jr., Lucy King, Earnest King, Jehemie King, Willie May King and Lee Hevia King, as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and

that the application for their identification as such should be refused, and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

(SIGNED)

James Dixon

Chairman.

(SIGNED)

T. B. Needles

COMMISSIONER.

(SIGNED)

C. R. Breckinridge

COMMISSIONER.

Muskogee, Indian Territory,

(SIGNED)

W. E. Stanley

COMMISSIONER.

NOV 21 1903

Muskogee, Indian Territory, April 17, 1903.

Commissioner of Indian Affairs,
Washington, D. C.

Sir:

On September 18, 1902, you forwarded to the Commission the records in the possession of the Indian Office relative to Nellie Dyer, a 14th article claimant under the Choctaw treaty of 1830, with the recommendation that the same should not be incorporated in the record in connection with which it is considered, but instead copies should be made of such parts as touch on the subject of inquiry, and the record returned to the Indian Office. In compliance with your request said record is herewith transmitted.

Respectfully,

Chairman.

COPY.

Muskogee, Indian Territory, November 21, 1903.

J. G. Lowery,
Attorney-at-Law,
Muskogee, Indian Territory.

Dear Sir:

You are hereby advised that on the 21st day of November, 1903, the Commission to the Five Civilized Tribes rendered a decision in the case of Charlie King et al., applicants for identification as Mississippi Choctaws.

This application was made under the provision of the act of Congress of June 28, 1898 (30 Stats., 495) which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto and make report to the Secretary of the Interior."

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Charlie King, Odessa King, Charlie King, Jr., Lucy King, Earnest King, Johnnie King, Willie May King and Lee Novia King, as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the application for their identification as such should be

J O L R

refused, and it is so ordered."

You are further advised that the applicants in this case have been allowed fifteen days from the date hereof within which to file arguments in this office, and that at the expiration of said time, the papers in the case together with such arguments will be forwarded to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

(SIGNED)

Tamr Birby.
Chairman.

Register.

Muskogee, Indian Territory, November 21, 1903.

Charlie King,

Okmulgee, Indian Territory.

Dear Sir:

You are hereby advised that on the 21st day of November, 1903, the Commission to the Five Civilised Tribes rendered a decision in the case of Charlie King et al., applicants for identification as Mississippi Choctaws.

This application was made under the provision of the act of Congress of June 28, 1898 (30 Stats., 495) which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto and make report to the Secretary of the Interior."

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Charlie King, Odessa King, Charlie King, Jr., Lucy King, Earnest King, Johnnie King, Willie May King, and Lee Novia King, as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the application for their identification as such should be refused, and it is so ordered."

C K R.

You are further advised that you will be allowed fifteen days from the date hereof within which to file arguments in this office, and that at the expiration of said time, the papers in the case together with such arguments will be forwarded to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

(SIGNED)

Tame Dixby.
Chairman.

Register.

COPY:

M.C.R. 5843.

Muskogee, Indian Territory, November 21, 1903.

Mansfield, McMurray & Cornish,
Attorneys for Choctaw and Chickasaw Nations
South McAlester, Indian Territory.

Gentlemen:

You are hereby advised that on the 21st day of November, 1903, the Commission to the Five Civilized Tribes rendered a decision in the case of Charlie King et al., applicants for identification as Mississippi Choctaws.

This application was made under the provision of the act of Congress of June 28, 1898 (30 Stat., 495).

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Charlie King, Odessa King, Charlie King, Jr., Lucy King, Earnest King, Johnnie King, Willie May King and Lee Novia King, as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the application for their identification as such should be refused, and it is so ordered."

You are further advised that the applicants in this case have been allowed fifteen days from the date hereof within which to file arguments in this office and that at the expiration of said time, the papers in the case together with such arguments will be forwarded to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

RECEIVED

Tame Dixby.

Chairman.

COPY.

Muskogee, Indian Territory, December 7, 1903.

The Honorable,

The Secretary of the Interior.

Sir:

There is transmitted herewith the record in the case of Charlie King, et al., applicants to the Commission for identification as Mississippi Choctaws, including the decision of the Commission of November 21, 1903.

The Commission has the honor to report that the principal applicant herein, his attorney of record and the attorneys for the Choctaw and Chickasaw Nations have been duly advised by letter of the action of the Commission, copies of said letters being attached to the record.

Respectfully,
SIGNED

Tame Dixby.

Chairman.

Through the
Commissioner of Indian Affairs.

2 Enc. M.C.R. 5843.

C O P Y

Refer in reply to
the following:

Land.
79,951-1903.

DEPARTMENT OF THE INTERIOR,
Office of Indian Affairs,

Washington,

Jan. 21, 1904.

The Honorable

The Secretary of the Interior.

Sir:

There is transmitted, herewith, for your consideration, the record of the proceedings had before the Commission to the Five Civilized Tribes, in the matter of the application of Charlie King for the identification of himself and his seven minor children, Odessa, Charlie Jr., Lucy, Earnest, Johnnie, Willie May and Lee Novia King, as Mississippi Choctaws, wherein a decision adverse to them was rendered by the commission November 21, 1903.

The testimony in this case shows that the applicants base their claim to identification on their descent from Laura King and Nellie Dyer, her mother, grandmother of the principal applicant. The principal applicant knows but little of his alleged ancestors as he claims to have been stolen as a small boy from the Indians in Mississippi by a party traveling west and to have been given to a negro woman by the name of Ann Tolston.

The records of the Commission relative to the name of Nellie Dyer show the following:

"It is found that the name of Nellie Dyer appears on pages
"46, 48, 49, 50, 140, 170, 171, 172, 174, 176, 247 and 316 of Volume

"I, Claimant's Brief and Evidence in the case of the Choctaw Nation vs. United States before the Court of Claims No. 12742, and also on pages 628 and 640 of Volume VII, American State Papers, Public Lands, in a number of lists, statements and depositions relating to claims arising under article fourteen of the treaty of 'Dancing Rabbit Creek.'"

It also appears that the name of Nelly Dyer is found on page 94 of volume VII, American State Papers, Public Lands, in a list of names of Choctaw Indians, heads of families, who resided in Greenwood Leflore's district in the territory occupied by the Choctaw Indians in the States of Mississippi and Alabama at the date of the making of the treaty of "Dancing Rabbit Creek" and had lands in cultivation, in exchange for which they were to receive stipulated tracts of land in accordance with the provisions of the nineteenth article of said treaty.

The Commission state that the records above referred to in no way relate to article fourteen of the treaty of 1830 or show a compliance or attempted compliance on the part of the persons therein named with its provisions.

The Commission further state that it is found from the records in the possession of the commission, that a person bearing the name of Nelly Dyer received scrip as a beneficiary under article fourteen of the treaty of "Dancing Rabbit Creek", but state that there is nothing in the testimony of the applicants which tends to show that the Nellie Dyer who received such

scrip is identical with the person through whom they claim.

An examination of the records of this office has been made with reference to the names of Laura King, and Nelly Dyer, and it is discovered that the name of Nelly Dyer appears as one who received scrip under the provisions of the 14th article of the treaty of 1830; that she was married three times, the first husband's name was William Oxberry; the second husband's name was Obadiah Dyer, and the third husband's name was Jack Derrick; that she had two children by the second husband who were over ten at the date of the treaty, Polly and Lucinda Dyer, but there is nothing in the evidence in this case showing that the Nelly Dyer who received such scrip is identical with the person through whom the applicants claim.

It is therefore the opinion of this office that the decision of the commission rejecting the applicants is correct, and the office concurs in that finding and recommends its approval.

Very respectfully,

A. C. Tonner,

Acting Commissioner.

(C.T.C.) P.

C O P Y

DEPARTMENT OF THE INTERIOR, WCF
Washington. FHE
I.T.D. 622-1904. January 30, 1904.
L R S

Commission to the Five Civilized Tribes,
Muskogee, Indian Territory.

Gentlemen:

December 7, 1903, you transmitted the record in the case involving the application of Charlie King for the identification of himself and his seven minor children, Odessa, Charlie Jr., Lucy, Earnest, Johnnie, Willie May and Lee Novia King, as Mississippi Choctaws, including your decision of November 21, 1903, refusing to identify them as such.

The applicants base their claim to a right to identification as Mississippi Choctaws on their descent from Nellie Dyer, through her daughter, Laura King, mother of the principal applicant Charlie King. The principal applicant claims that he was stolen when a small boy, from the Indians in Mississippi, by a party traveling west, and was given to a negro woman by the name of Ann Tolston. He knows but little of his alleged ancestors.

In your decision you state that the records in your possession show that a person bearing the name of Nelly Dyer received scrip as a beneficiary under article 14 of the Choctaw treaty of 1830.

Reporting in the matter January 21, 1904, the Acting Commissioner of Indian Affairs states that the records of his office show certain information relative to one Nelly Dyer, who

received scrip under the provisions of said article. The Department is therefore unwilling to adjudicate the case at the present time. It is hereby remanded for further investigation, and you are directed to inform the applicants as to what the records of the Indian office show with reference to Nelly Dyer, and to allow them thirty days time, and such extension thereof as is reasonable and necessary, within which to introduce any evidence they may desire, to show that the ancestor through whom they claim descent was identical with the Nelly Dyer who received scrip under article 14 of the Choctaw treaty of 1830.

A copy of the Acting Commissioner's letter is inclosed, together with the testimony in the case.

Respectfully,

THOS. RYAN

Acting Secretary.

2 inclosures.

Muskogee, Indian Territory, February 23, 1904.

J. C. Lowry,

Attorney at Law,

Okmulgee, Indian Territory.

Dear Sir:

The Secretary of the Interior with his letter of January 30, 1904, remanded to this Commission the record theretofore forwarded the Department in the matter of the application made by Charlie King for the identification of himself and minor children as Mississippi Choctaws, with instructions that the principal applicant be allowed an opportunity to introduce additional testimony and evidence in support of his claim.

The record in this case shows that the applicant claims his right to identification as a Mississippi Choctaw by reason of his being a descendant of Nellie Dyer, through Laura King, his mother.

The records of the Indian Office show that the name of Nellie Dyer appears as one who received scrip under the provisions of the 14th article of the treaty of 1830; that she was married three times, the first husband's name was William Oxberry; the second husband's name was Obadiah Dyer, and the third husband's name was Jack Derrick; and that she had two children by the second hus-

J C L 2

band who were over ten at the date of the treaty, Polly and Lucinda Dyer.

The Commission is directed to advise you that said records relating to the compliance of persons with the provisions of article 14, contain certain information, as of the year 1830, relative to the persons whose names appear thereon, showing:

1st. Their description.

2nd. Their residence and improvements (usually locating the same by reference to some town, county, body of water or public road).

3rd. Their Choctaw as well as their English names.

4th. The names of their neighbors and immediate associates.

5th. The names and number of the persons who composed their families,

and that for the purpose of comparison, testimony of like character should be furnished relative to the applicants' ancestors.

You are advised that the Commission is averse to the acceptance of ex parte affidavits in support of Mississippi Choctaw cases, and prefers, whenever possible, to have the personal appearance of witnesses for examination under oath. In the event that such witnesses are unable to make personal appearance on account of old age or infirmity, or are non-residents of Indian territory, their depositions may be considered when taken in conformity with

J C L 3

the rules and regulations governing the procedure in the taking and submission of depositions in support of applications for identification as Mississippi Choctaws, a copy of which rules and regulations is herewith enclosed.

In accordance with the instructions above referred to, you are hereby notified that the Commission to the Five Civilized Tribes will, at its office at Muskogee, Indian Territory, up to and inclusive of Friday, March 25, 1904, hear the testimony of such witnesses as may present themselves in person, and receive for consideration such documentary evidence as may be offered in support of this case, notice of the taking of such testimony or filing of evidence being first served upon Messrs. Mansfield, McMurray & Cornish, attorneys for the Choctaw and Chickasaw Nations, South McAlester, Indian Territory.

Respectfully,

Commissioner in Charge.

Registered

R & R Dep

Muskogee, Indian Territory, February 25, 1904.

Mansfield, McMurray & Cornish,

Attorneys for the Choctaw and Chickasaw Nations,
South McAlester, Indian Territory.

Gentlemen:

The Secretary of the Interior with his letter of January 30, 1904, remanded to this Commission the record theretofore forwarded the Department in the matter of the application made by Charlie King for the identification of himself and minor children for identification as Mississippi Choctaws, with instructions that the principal applicant be granted an opportunity to introduce additional testimony and evidence in support of his claim.

In accordance with the instructions above referred to, you are hereby notified that the Commission to the Five Civilized Tribes will, at its office at Muskogee, Indian Territory, up to and inclusive of Friday, March 25, 1904, hear the testimony of such witnesses as may present themselves in person, and receive for consideration such documentary evidence as may be offered in support of this case, notice of the taking of testimony or filing of evidence being first served upon you.

Respectfully,

Commissioner in Charge.

Muskogee, Indian Territory, February 25, 1904.

Charlie King,

Okmulgee, Indian Territory.

Dear Sir:

The Secretary of the Interior with his letter of January 30, 1904, returned to this Commission the record theretofore forwarded the Department in the matter of the application made by you for the identification of yourself and minor children as Mississippi Choctaws, with instructions that you be allowed an opportunity to introduce additional testimony and evidence in support of your claim.

The record in this case shows that you claim your right to identification as a Mississippi Choctaw by reason of being a descendant of Nellie Dyer, through Laura King, your mother.

The records of the Indian Office show that the name of Kelly Dyer appears as one who received scrip under the provisions of the 14th article of the treaty of 1830; that she was married three times, the first husband's name was William Oxberry; the second husband's name was Obadiah Dyer, and the third husband's name was Jack Derrick; and that she had two children by the second husband who were over ten at the date of the treaty, Polly and Lucinda Dyer.

C K 2

The Commission is directed to advise you that said records relating to the compliance of persons with the provisions of article 14, contain certain information, as of the year 1830, relative to the persons whose names appear thereon, showing:

1st. Their description.

2nd. Their residence and improvements (usually locating the same by reference to some town, county, body of water or public road).

3rd. Their Choctaw as well as their English names.

4th. The names of their neighbors and immediate associates.

5th. The names and number of the persons who composed their families,

and that for the purpose of comparison, testimony of like character should be furnished relative to the applicants' ancestors.

You are advised that the Commission is averse to the acceptance of ex parte affidavits in support of Mississippi Choctaw cases, and prefers, whenever possible, to have the personal appearance of witnesses for examination under oath. In the event that such witnesses are unable to make personal appearance on account of old age or infirmity, or are non-residents of Indian Territory, their depositions may be considered when taken in conformity with the rules and regulations governing the procedure in the taking and submission of depositions in support of applications for identifi-

O K 3

cation as Mississippi Choctaws, a copy of which rules and regulations is herewith enclosed.

In accordance with the instructions above referred to, you are hereby notified that the Commission to the Five Civilized Tribes will, at its Office at Muskogee, Indian Territory, up to and inclusive of Friday, March 25, 1904, hear the testimony of such witnesses as may present themselves in person, and receive for consideration such documentary evidence as may be offered in support of this case, notice of the taking of such testimony or filing of evidence being first served upon Messrs. Mansfield, McMurray & Cornish, attorneys for the Choctaw and Chickasaw Nations, South McAlester, Indian Territory.

Respectfully,

Commissioner in Charge.

Registered

R & R Dep

M.C.R. 6843.

Muskogee, Indian Territory, April 6, 1904.

The Honorable,

The Secretary of the Interior.

Sir:

On December 7, 1903, the Commission transmitted the record in the Mississippi Choctaw case of Charlie King, et al., together with its decision refusing the application made to this Commission by Charlie King for the identification of himself and his seven minor children, Odessa, Charlie, Jr., Lucy, Earnest, Johnnie, Willie May and Lee Fovia King, as Mississippi Choctaws.

The Department, with its letter of January 30, 1904, (I.T.D. 612-1904), returned the record theretofore forwarded the Department in this case with instructions that the applicants be granted further opportunity to introduce additional evidence in support of their claim, tending to show that they are direct descendants of one Nelly Dyer, whom the record shows was a beneficiary under the provisions of the 14th article of the Choctaw treaty of 1830.

In accordance with such instructions, the Commission, on February 25, 1904, notified the principal applicant, Charlie King,

Secretary, 2.

and his attorney of record, J. C. Lowery, that the Commission would, at its office, at Muskogee, Indian Territory, up to and inclusive of Friday, March 25, 1904, hear the testimony of such witnesses as might present themselves in person, and receive for consideration such documentary evidence as might be offered, in support of this case; and on the same date notice to the same effect was furnished to the attorneys for the Choctaw and Chickasaw Nations.

On March 22, 1904, Messrs. Mansfield, McMurray & Cornish, attorneys for the Choctaw and Chickasaw Nations, South McAlester, Indian Territory, filed with this Commission their "Motion to consider record in the case of Florence L. Clemens, et al., (K.O.R. 7302) in connection with this case." A copy of the testimony introduced on behalf of the Choctaw and Chickasaw Nations in said application of Florence L. Clemens, et al., is attached to and made a part of this record.

J. C. Lowery, attorney for the applicants, on March 25, 1904, filed with this Commission a motion for a continuance in the Mississippi Choctaw case of Charlie King, et al., until March 28, 1904, which continuance was granted.

On March 28, 1904, J. C. Lowery, attorney for the applicants,

Secretary, S.

and G. Rosenwinkel, on behalf of Mansfield, McMurray & Cornish, attorneys for the Choctaw and Chickasaw Nations, appeared before this Commission, and the attorney for the applicants stated that he was unable to procure the attendance of the witnesses in this case and was willing to close the case without introducing further testimony.

The additional proceedings had in Mississippi Choctaw case of Charlie King, et al., together with the original record in the case, is therefore herewith transmitted.

Respectfully,

Commissioner in Charge.

Through the
Commissioner of Indian Affairs.

JYM-11.

Land.
23747-1904.

DEPARTMENT OF THE INTERIOR,
OFFICE OF INDIAN AFFAIRS,
WASHINGTON, July 8, 1904.

✓
(COPY).

688-162

The Honorable,

The Secretary of the Interior,

Sir:

I have the honor to forward herewith for Departmental action a report of the Commission to the Five Civilized Tribes, dated April 6, 1904, transmitting the record of additional proceedings had in the Mississippi Choctaw case of Charlie King, et al., in accordance with instructions of Department letter of January 30, 1904, together with the original record in the case, including the decision of the Commission of November 21, 1903, denying said application. Applicant Charles King for himself and his seven minor children, Odessa, Charlie, Jr., Lucy, Earnest, Johnnie, Willie May and Lee Novia King, claims rights in the Choctaw lands under article 14 of the treaty between the United States and the Choctaw Nation, concluded September 27, 1830, by reason of being descendants of one Nelly Dyer who is alleged to have been a full blood Choctaw Indian and the grandmother of principal applicant, Charlie King. It appears from the evidence and records before the Commission that none of said applicants have ever been enrolled by the Choctaw tribal authorities as a member of the Choctaw tribe or admitted to Choctaw citizenship by a duly constituted court or committee of the Choctaw Nation or by the Commission.

to the Five Civilized Tribes, or by a decree of the United States Court in Indian Territory, under the provisions of the Act of Congress approved June 10, 1896 (29 Stat., 321). The records of this office show that one Nelly Dyer nee Frazier, sister of Chas. Frazier, resided in Loosa Shoona Valley in the State of Mississippi at date of treaty of Dancing Rabbit Creek in 1830, and she went West with the Chickasaws and her children in the fall of 1837. Nelly Dyer was married three times, her first husband being William Oxberry by whom she had three children, named Pallas Oxberry, George Oxberry (wife Amy Perry) and Cyrus Oxberry. Her second husband was Obadiah Dyer by whom she had three children, named Polly Dyer, Lucinda Dyer and Jeremiah Dyer and the six children above named were living with her at the date of the treaty of 1830 and all but George Oxberry appear to have gone West with their mother in 1837. (See Evidence in Choctaw Claims Book 102, page 413).

The original application of Nelly Dyer on file in this office reads as follows: "Nelly Dyer of Yallopusha County states that on the 27th Sept. 1830, she was a Choctaw head of a family, residing on the waters of the Loosa Shoona in the Choctaw country in Mississippi - that within six months after the ratification of the late Choctaw treaty, she signified to Col. Ward, agent of the Choctaws her intention to remain and become a citizen of the State and take lands under the 14th article of said treaty, that her name was duly registered by said Ward but cannot now be found on the Register of said lands."

"and lived on lands now embraced in section 19, Township 24,
"Range 7 E., where she had an improvement and where she contin-
"ued to live until she was informed and believed that her
"name was not on the register of claims under the 14th article
"of the treaty. She had living with her at the time of the
"treaty four children named Pallas, George, Cyrus and Polly
"unmarried and over ten years of age and two named Lucinda and
Jeremiah under ten years of age.

A. A. Halsey

Atty. for claimant."

The files of this office show that Nelly Dyer and her
children Polly Dyer, Lucinda Dyer and Jeremiah Dyer were
awarded scrip under subsequent legislation relative to the
treaty of 1830. The files further show that Nelly Dyer had a
third husband named Jack Derrick. The name Nelly Dyer also
appears on pages 46, 48, 50, 140, 170, 171, 172, 174, 176, 247 and 316
of Vol. 1, Claimant's Brief and Evidence in case of Choctaw
Nation vs. The United States Court Claims No. 12742 and also
on pages 94, 628 and 640 of Vol. VII Amer. State Papers, as the
head of a Choctaw family claiming recognition under the treaty
of 1830. The applicants base their claim to a right to identi-
fication as Mississippi Choctaws on their descent from Nellie
Dyer through an alleged daughter named Laura King, the mother
of principal applicant Charlie King. The principal applicant
claims to have been stolen when a small boy in the Indian Ter-
ritory by a family named West traveling through from Missouri
and that they carried him to Texas, and that he was given to

a negro woman named Ann Tolston who was his chief witness before the Commission. The principal applicant does not know the name of his father, whether he was a negro of Indian nor does he know how much Indian blood his mother had or whether the negro blood predominated in his mother, nor does he know whether he himself has negro blood in his veins. In fact the principal applicant admits that all he knows of his alleged ancestors is mere hearsay, told to him by his black mammy, Ann Tolston. He virtually knows nothing about his alleged ancestors. The evidence is wholly insufficient to trace any relationship of the principal applicant Charlie King as a descendant of Nelly Dyer whom the records of this office show to be a beneficiary as a scrippee under legislation relative to the treaty of 1830. I am therefore, of opinion that the evidence and the records in this case fully justify the Commission in refusing to identify as Mississippi Choctaws applicants, Charlie King, Odessa King, Charlie King, Jr., Lucy King, Earnest King, Johnnie King, Willie May King and Lee Novie King and it is recommended that the decision of the Commission of November 21, 1903, refusing to identify them as such, be affirmed.

Respectfully,

A. C. Tonner,

Acting Commissioner.

OR.

DC.29358-1904.

W.C.F.

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(COPY).

ITD.5584-1904.
L.R.S.

DEPARTMENT OF THE INTERIOR,
WASHINGTON, August 9, 1904.

Commission to the Five Civilized Tribes,
Muskogee, Indian Territory.

Gentlemen:

December 7, 1903, you transmitted the record in the Mississippi Choctaw case of Charlie King et al (M.C.R.5843), including your decision of November 21, 1903, rejecting the applicants.

January 30, 1904, the case was remanded to you for further investigation. On April 6, 1904, you resubmitted the record, which shows that further testimony was taken on February 1, 1904.

Reporting July 8, 1904, the Acting Commissioner of Indian Affairs recommends that your decision refusing to identify the applicants be approved. A copy of his letter is inclosed.

The Department concurs in said recommendation, and your decision is hereby affirmed.

Respectfully,

THOS. RYAN,

Acting Secretary.

1 inclosure.

M.C.R. 5843

COPY.

Hunkgee, Indian Territory, August 27, 1904.

Charlie King,

Okmulgee, Indian Territory,

Dear Sir:

You are hereby notified that on the 9th day of August, 1904, the Secretary of the Interior affirmed the decision of this Commission refusing the application for identification as Mississippi Choctaws of the several persons included in the case of Charlie King, et al., of which decision you were advised by registered mail on the 21st day of November, 1903.

Respectfully,

(SIGNED)

Tams Pixby.

Chairman.

M.C.R. 5843

COPY.

Muskogee, Indian Territory, August 27, 1904.

P. L. Mars,

Sapulpa, Indian Territory.

Dear Sir:

You are hereby notified that on the 9th day of August, 1904, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Charlie King et al.

Respectfully,

(SIGNED) -

Tams Bixby.

Chairman.

M.C.R. 5843

COPY.

Muskogee, Indian Territory, August 27, 1904.

J. C. Lowery,

Attorney at Law,

Okmulgee, Indian Territory,

Dear Sir:

You are hereby notified that on the 9th day of August, 1904, the Secretary of the Interior affirmed the decision of this Commission refusing the application for identification as Mississippi Choctaws of the several persons included in the case of Charlie King, et al., of which decision you were advised by registered mail on the 21st day of November, 1903.

Respectfully,

(SIGNED)

Tams Bixby.

(Chairman.

M.C.R. 5843
COPY.

Muskogee, Indian Territory, August 27, 1904.

Mansfield, McMurray & Cornish,

Attorneys for Choctaw and Chickasaw Nations,

South McAlester, Indian Territory,

Gentlemen:

You are hereby notified that on the 9th day of August, 1904, the Secretary of the Interior affirmed the decision of this Commission refusing the application for identification as Mississippi Choctaws of the several persons included in the case of Charlie King, et al., of which decision you were advised by mail on the 21st day of November, 1903.

Respectfully,

(SIGNED)

Tams Bixby

Chairman.

Memphis, Tenn. 3-17-1934

In the Matter of Charlie King
applicant for citizenship of the
Choctaw Nation I.T.

X C. To our attorney
said applicant request
that the testimony for
a copy thereof be delivered
to me

Lowery
OK [Signature]

COMMISSIONERS
TAMM BIXBY,
THOMAS B. NEEDLES,
C. R. BRECKINRIDGE,
W. E. STANLEY

ALLISON L. AYLESWORTH,
SECRETARY

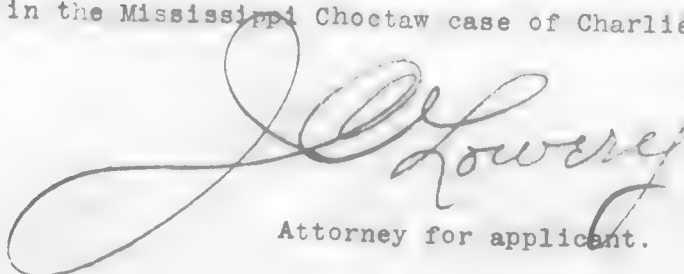
ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

REFER IN REPLY TO THE FOLLOWING

Muskogee, Indian Territory, March 1, 1904.

Received of the Commission to the Five Civilized Tribes one
copy of testimony in the Mississippi Choctaw case of Charlie King,
et al.


Attorney for applicant.

M C R 5843

Muskogee, Indian Territory, March 7, 1904.

Mansfield, McMurray & Cornish,

Attorneys for the Choctaw and Chickasaw Nations,

South McAlester, Indian Territory.

Gentlemen:

In compliance with your request of the 2nd instant there is herewith enclosed you one copy of the testimony given by Charlie King at the time he applied to this Commission for identification as a Mississippi Choctaw.

Respectfully,

Commissioner in Charge.

McM 1

M C R 5843

Muskogee, Indian Territory, March 22, 1904.

Mansfield, McMurray & Cornish,

Attorneys for the Choctaw and Chickasaw Nations,

South McAlester, Indian Territory.

Gentlemen:

Receipt is hereby acknowledged of your motion to consider the record in the Mississippi Choctaw case of Florence L. Clemens, et al. in connection with the Mississippi Choctaw case of Charlie King, et al. The same has been filed with the record in the latter case.

Respectfully,

Commissioner in Charge.

M C R 5843

Muskogee, Indian Territory, March 25, 1904.

Mansfield, McMurray & Cornish,
Attorneys for the Choctaw and Chickasaw Nations,
South McAlester, Indian Territory.

Gentlemen:

Referring to your motion to consider the record in the Mississippi Choctaw case of Florence L. Clemens, et al. in connection with the Mississippi Choctaw case of Charlie King, et al., you are advised that on this date J. C. Lowery, attorney for Charlie King, et al., filed with this Commission his motion for continuance therein until Monday, March 28, 1904. A copy of the decision of the Commission granting the extension of time asked for is herewith enclosed.

Respectfully,

Commissioner in Charge.

McM 3/25

M C R 5843

Muskogee, Indian Territory, March 25, 1904.

J. C. Lowery,

Attorney at Law,

Okmulgee, Indian Territory.

Dear Sir:

There is herewith enclosed you one copy of the decision of the Commission to the Five Civilized Tribes granting you an extension of time in the Mississippi Choctaw case of Charlie King, et al. until Monday, March 28, 1904, for the purpose of introducing additional testimony in support of said case.

Respectfully,

Commissioner in Charge.

McM 44

No. 5843

For Identification as a Mississippi Choctaw.

Date

JUN 17 1902

Name Charlie King -

Age 50 - Blood Don't know.

Post-Office, Okmulgee, I.T.

Father: _____

Mother: Laura King, - -

Claims through, mother -
wife - Matilda King, l. neg.

No claim for wife -

Children:

Odessa King - - 17

Charlie " Jr. - 15

Leroy " 13 ~~13~~

Earnest " 11

~~Willie~~

Johnnie " 11 9

Willie May " F. 6

Lee Novia " F. 3

Claims for self &

children -

Stenographer G. Rosenwald

Choctaw MCR 5844

Malilda J. Blalock

MCR 5844

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

-----0-----

In the matter of the application of Matilda J. Blalock,
et al., for identification as Mississippi Choctaws, M.C.R. 5844.

-----0-----

List of papers forwarded to the Secretary of the Interior
comprising the record in the case of
Matilda J. Blalock, et al.

-----0-----

Page.

Original application of Matilda J. Blalock, et al.,
to the Commission to the Five Civilized Tribes,
for identification as Mississippi Choctaws, 1

Decision of the Commission to the Five Civilized Tribes,
refusing the application of Matilda J. Blalock, et al.,
for identification as Mississippi Choctaws, 7

-----0-----

5844

Department of the Interior.
Commission to the Five Civilized Tribes.
Muskogee, Indian Territory, June 19, 1902.

---O---

In the matter of the application of Matilda J. Blalock, for the identification of herself and her six minor children, James I., Maggie I., Harley W., Mary Ethel, Pearl, and Dee H. Blalock, as Mississippi Choctaws.

---O---

Matilda J. Blalock being first duly sworn testified as follows:

Examination by the Commission:

- Q What is your name? A Matilda J. Blalock.
Q How old are you? A I'm forty eight.
Q What is your post office address? A Dallas.
Q Street address? A One hundred and thirty-eight Dawson.
Q Dallas, Texas? A Yes sir.
Q How long have you resided in Texas? A I've been there ever since I was nine years old; in Texas.
Q Have you lived in Texas continuously since you were nine years old? A Yes sir.
Q Where did you live before that? A I was born in Mississippi and went from there to Louisiana, stayed there until I was nine years old.
Q What part of Mississippi were you born in? A In Lauderdale County.
Q What year was you born in? A Fifty three.
Q What is your father's name? A Page - William Page.
Q Is he living? A No sir; he's dead.
Q What is your mother's name? A You want her maiden name.
Q Her maiden name and married name bot h. A She was a Griffin before she was married and when she married she was a Page.
Q Is your mother living? A No sir; she's dead.
Q Through which one of your parents do you derive your Choctaw blood? A My mother.
Q Your father is a white man? A Yes sir.
Q How much Choctaw blood do you claim? A About one eighth.
Q How long has your mother been dead? A She died four years ago.
Q How old was she when she died? A She was seventy five.
Q Did your mother always reside in Mississippi? A No sir; she left there after she was grown and married - had two children.
Q Was she born in Mississippi? A Yes sir and raised there and stayed there until she was grown and married and had two children.
Q In Lauderdale County? A Yes sir.
Q Your mother was born about 1825 then, according to your statements? A Let me see; I got a list of names here. Well I dont know exactly about when she was born.
Q You state that she has been dead four years and was about seventy five years of age when she died; that would make her - would show the date of her birth was about 1825; what was your

- mother's maiden name? A Griffin.
- Q Mary Griffin? A Yes sir.
- Q Are you married? A I've been married but I'm a widow now.
- Q Have you any children under twenty one years of age and unmarried for whom you desire to make application? A Yes I have six.
- Q What are their names and ages? A The oldest one is seventeen - James I. Blalock.
- Q The next one? A Maggie I. Blalock.
- Q How old is she? A She is fifteen years old.
- Q The next one? A Harley W. Blalock.
- Q How old? A He will be thirteen in July.
- Q The next one? A Mary Ethel.
- Q How old is Mary Ethel? A She was twelve in January last.
- Q The next one? A Pearl.
- Q How old is Pearl? A She was ten last December.
- Q The next one? A Dee R.
- Q How old? A He's eight.
- Q Is that all of your children under twenty one years of age and unmarried. A No, I've got one girl; she's married though.
- Q I asked you if that is all of your children under twenty one years of age and unmarried? A I got one under age that's married; could I give in her application?
- Q Are these all of your children unmarried and under twenty one years of age? A Yes sir; that's all unmarried.
- Q The children who are married and who have attained their majority have to make application for themselves. You are the mother of all six of these children? A Yes sir.
- Q Who is the father? A James Blalock.
- Q Is he living? A No sir, he's dead.
- Q Is he a white man? A Yes sir.
- Q These children derive their Choctaw blood entirely through you? A Yes sir.
- Q And have always lived in Texas? A Yes sir.
- Q Have you or your six minor children ever been recognized in any manner or enrolled by the Choctaw tribal authorities in the Indian Territory as citizens of the Choctaw Nation? A No sir.
- Q Have you or your six minor children ever been admitted to citizenship in the Choctaw Nation by any duly constituted court or committee of the Choctaw Nation in Indian Territory?
- A No sir.
- Q Have you or your six minor children for whom application is made ever been admitted to citizenship in the Choctaw Nation by the Commission to the Five Civilized Tribes under the provisions of the act of Congress of June 10, 1896? A No sir.
- Q Have you or your minor children for whom application is made ever been admitted to citizenship in the Choctaw Nation by decree of the United States Court in Indian Territory under the provisions of the act of Congress of June 10, 1896? A No sir.
- Q The application that you are now making is for the identification of yourself and your six minor children as Mississippi Choctaws? A Yes sir.
- Q Claiming rights in the Choctaw lands in the Indian Territory as beneficiaries under the provisions of the fourteenth article of the treaty of 1830? A Yes sir.

Matilda J. Blalock--3.

- Q Are you familiar with the fourteenth article of the treaty of 1830 between the United States and the Choctaw Nation?
A No, no more than what the Commissioners give me.

The Choctaw treaty of 1830 was entered into in the state of Mississippi between Commissioners on the part of the United States and the representatives of the Choctaw tribe of Indians and provided for the removal of the Choctaw Indians from the State of Mississippi to some Territory west of the Mississippi river; during the negotiations of this treaty it early developed that there were a number of Indians who were reluctant to leave Mississippi and it was found impossible to draft any agreement or treaty that would be satisfactory to the entire tribe unless some provision was made for those Choctaws who didn't want to go west but who desired to remain in the state of Mississippi and take up their permanent residence there and for this purpose there was a provision inserted in the agreement which is known as the fourteenth article of the treaty of 1830 and provides as follows:

" Each Choctaw head of a family being desirous to remain and become a citizen of the States, shall be permitted to do so by signifying his intention to the agent within six months from the ratification of this treaty, and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land to be bounded by sectional lines of survey; in like manner shall be entitled to one-half that quantity for each unmarried child which is living with him over ten years of age, and a quarter section to such child as may be under ten years of age, to adjoin the location of the parent. If they reside upon said lands intending to become citizens of the States, for five years after the ratification of this treaty in that case a grant in fee simple shall issue. Said reservation shall include the present improvement of the head of the family or a portion of it. Persons who claim under this article shall not lose the privilege of a Choctaw citizen but if they ever remove are not to be entitled to any portion of the Choctaw annuity."

- Q Do you understand that provision of the treaty? A Yes, I reckon I do.
Q Well, now, in order for the Commission to the Five Civilized Tribes to identify you and your minor children as Mississippi Choctaw Indians entitled to rights in the Choctaw lands, it is obligatory at this time that you conclusively demonstrate that you are a descendant of a Choctaw Indian who was a resident of the state of Mississippi or of the old Choctaw Nation in Mississippi or Alabama in 1830 and who was a beneficiary or received rights under this fourteenth article of the treaty of 1830. Now what was the name of your Choctaw ancestor who resided in Mississippi in 1830 and who was a beneficiary under the provisions of this fourteenth article of the treaty of 1830? A I don't know which one of my great grandparent came in; my great grandfather was Larkin Rogers born August 20, 1766, and my great grandmother's name before she married was Elizabeth S. Martin, born in 1772
Q These two persons are your great great grandparents? A Yes sir.

Matilda J. Blalock--4.

- Q On your mother's side or father? A On my mother's side; my father was a North Carolinian.
- Q You say your mother Mary Page, whose maiden name was Mary Griffin is the parent through whom you derive your Choctaw blood? A Yes sir.
- Q Now which one of her parents is a Choctaw? A Her mother.
- Q What was her name? A Her name was Rogers before she married and after she married she was a Griffin.
- Q What was her full name? A Mary Rogers. She married Griffin.
- Q She was your grandmother? A Yes sir.
- Q Now which one of your great grand parents was a Choctaw?
- A That's what I dont know; that's what I'm trying to find out; I dont know.
- Q Through whom do you claim this right to identification as a Mississippi Choctaw? A From my grandmet her; that far back; I cant go no further but I got an attorney tracing it up.
- Q At the time of the conclusion of the treaty of 1830 you had a less remote ancestor than your grandmother Mary Rogers or your great grand parents Larkin Rogers and Elizabeth Rogers, living inthe person of your own mother Mary Griffin; now did Mary Griffin herself or any one in her behalf ever signify to the United States Indian Agent for the Choctaws in Mississippi her intention to remain and become a citizen of the states as provided by the fourteenth article of the treaty of 1830.
- A I dont know whether she did herself or not.

After the ratification of the treaty of 1830 it developed that a great many of the Choctaw Indians who formerly had intended to signify their intention to Colonel Ward to remain and become citizens under the provisions of the fourteenth article of the treaty of 1830 had been denied that right by the Indian agent and complaint of this treatment was made to the United States government; under the acts of Congress of March 3, 1837 and August 23, 1842 Commissions were appointed to adjudicate the claims of persons, arising, under the fourteenth article of the treaty of 1830; these commissions heard a number of those claims, some of them being favorably adjudicated.

- Q Did your mother Mary Griffin-----? A No my mother married a Page.
- Q Her name was Griffin in 1830? A Yes sir.
- Q Did she ever submit to these Commissions or did any one for her submit a claim to rights as a Choctaw under the provisions of the fourteenth article of the treaty of 1830? A Not that I know of.
- Q Have you, your mother, or any of your ancestors through whom you claim this right to identification as Mississippi Choctaws ever been recognized in any manner by the Choctaw tribal authorities or any other tribunals authorized to adjudicate the claims of Choctaw Indians as entitled to rights as such, as members of the Choctaw tribe of Indians? A I dont know whether their names' on the roll or not. But then I know they are part Indian; I've been taught that all my life.
- Q How do you know? A Well my mother and grandmother said so and I got that proof and I wrote back there; I got a letter and aimed to bring it with me and got off in such a rush afraid the train would leave me, that I left it; and they said they had investigated further - enough to know that they could prove it.
- Q Prove what? A That my people were part Indian and they told me to go ahead and put in my application and they would get up the proof.

Matilda J. Blaleek --5.

- Q Have you any documentary evidence you want to introduce at this time - any affidavits or depositions? A No, not at present. How long is the time for these applications? They told me I couldn't put it in after the 20th of June; what about that; can they come in after that time?
- Q You will be permitted until July 1, 1902 to offer any additional evidence you may desire in support of your application. That will give you ten days; that will be sufficient won't it?
- A I dont know about that. Whether I can get it up in that time or not; it's a long ways off, I got to get it.
- Q Have you any relatives who have made application to this Commission to be identified as Mississippi Choctaws?
- A I dont know whether I have or not; I dont know anything about my people here in Texas.
- Q You dont know that any of your relatives ever made application?
- A I dont know anything about them since I married; they are all living in Texas but I've never been about any of them; I left my people when I was married and dont know anything about them.
- Q Do you speak or understand the Choctaw language? A No sir.
- Q Have you any knowledge of the Choctaw language? A No sir; very little.
- Q What do you mean by very little? A I was raised in Texas and dont know much about the Indians.
- Q Do you know anything? A Only what I have seen since I come to the Territory; never was associated with the Indians.

The applicant herein has the appearance and general characteristics of a white person; has no knowledge of the Choctaw language and is in total ignorance of compliance on part of her mother or any other of her ancestors with the provisions of the fourteenth article of the treaty of 1830; the applicant claims her right to identification as a Mississippi Choctaw as a descendant of Larkin Rogers and Elizabeth Martin her great grand parents but is unable to state from which one of said great grand parents she derives her Choctaw blood. It appears however that she had a less remote ancestor living at the time of the Choctaw treaty of 1830 in the person of her mother Mary Page whose maiden name was at that time Mary Griffin.

After the expiration of the time granted in which to introduce additional evidence in support of your application, the Commission will as soon as practicable render its decision relative to your application for the identification of yourself and your six minor children as Mississippi Choctaws of which decision you will be duly advised and also not ified of the forwarding of the record in the case to the Secretary of the Interior for his review.

---0---

Clara Mitchell Wood being first duly sworn upon her oath states that as stenographer for the Commission to the Five

Matilda J. Black--6.

Civilized Tribes she reported in full all proceedings had in the above entitled cause on the 19th day of June 1902 and that the above and foregoing is a full true and correct transcript of her stenographic notes of said proceedings on said date.

Matilda J. Black
Subscribed and sworn to before me this 19th day of June 1902.

William J. Martin
Notary Public.

COPY.

MS
Cov.

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES.

-----O-----

In the matter of the application of Matilda J. Blalock et al., for identification as Mississippi Choctaws, M.C.R. 5844.

D E C I S I O N

It appears from the record herein that application for identification as Mississippi Choctaws was made to this Commission by Matilda J. Blalock for herself and her six minor children James I., Maggie I., Harley W., Mary Ethel, Pearl and Dee R. Blalock, under the following provision of the act of Congress approved June 28, 1898 (30 Stats., 495):

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation concluded September twenty-seventh eighteen hundred and thirty, and to that end may administer oaths, examine witnesses, and perform all other acts necessary there-to and make report to the Secretary of the Interior."

It also appears that all of said applicants claim rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, by reason of being

descendants of Mary Rogers, nee Griffin, who is alleged to have been a Choctaw Indian, degree of blood not stated, and who was the daughter of Larkin Rogers and Elizabeth S. Rogers, nee Martin.

It further appears from the evidence submitted in support of said application, and from the records in the possession of the Commission, that none of said applicants has ever been enrolled by the Choctaw tribal authorities as a member of the Choctaw tribe, or admitted to Choctaw citizenship by a duly constituted court or committee of the Choctaw Nation, or by the Commission to the Five Civilized Tribes, or by a decree of the United States Court in Indian Territory, under the provisions of the act of Congress approved June 10, 1896 (29 Stats., 321).

It does not appear from the testimony and evidence offered in support of said application, or from the records in the possession of the Commission relating to persons who complied or attempted to comply with the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and to persons who heretofore were claimants thereunder, that the said Mary Rogers, nee Griffin, or Larkin Rogers, or Elizabeth S. Rogers, nee Martin, or an ancestor less remote, signified (in person or by proxy) to Colonel Wm. Ward, Indian Agent, Choctaw Agency, an intention to comply with the provisions of said article fourteen, or presented a claim to rights thereunder to either of the Commissions authorized to adjudicate such claims by the acts of Congress approved March 3, 1837 (5 Stats., 180) and August 23, 1842 (5 Stats., 613).

It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of

Matilda J. Blalock, James I. Blalock, Maggie I. Blalock, Harley
W. Blalock, Mary Ethel Blalock, Pearl Blalock and Dec R. Blalock
as Choctaw Indians entitled to rights in the Choctaw lands under
the provisions of said article fourteen of the treaty of eighteen
hundred and thirty, and that the application for their identi-
fication as such should be refused, and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES,

Laura Linty

Acting Chairman.

T. B. H. H. H.

Commissioner.

S. B. H. H. H.

Commissioner.

Muskogee, Indian Territory.

JAN 21 1903

NOTICE OF DECISION FORWARDED
APPLICANT JAN 21 1903

RECORD FORWARDED DEPARTMENT.

Miss. Choctaw R5844

Muskogee, Indian Territory, July 3, 1902.

Mrs. M. J. Blalock,
#138 Dawson Street,
Dallas, Texas,

Dear Madam:

Receipt is hereby acknowledged of your letter of June 30, in which you say that you have a part of the proof which you wish to submit in support of your application for identification as a Mississippi Choctaw. ~~Ready now~~, but expect to secure some more within a short time and will send it all in together.

In reply to your letter you are advised that the Commission will receive for consideration in your case such evidence as you may desire to offer prior to July 15, 1902.

Yours truly,

Commissioner in Charge.

CUT

M.C.R. 5844

Muskogee, Indian Territory, January 21, 1903.

Mansfield, McMurray & Cornish,
Attorneys for the Choctaw and Chickasaw Nations,
South McAlester, Indian Territory.

Gentlemen:

You are hereby advised that on the 21st day of January, 1903, the Commission to the Five Civilized Tribes rendered a decision in the case of Matilda Blalock, et al., applicants for identification as Mississippi Choctaws.

This application was made under the provision of the act of Congress of June 28, 1898 (30 Stats., 495).

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Matilda J. Blalock, James I. Blalock, Maggie I. Blalock, Harley W. Blalock, Mary Ethel Blalock, Pearl Blalock and Dee R. Blalock as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the application for their identification as such should be refused, and it is so ordered."

You are further advised that the applicants in this case have been allowed fifteen days from the date hereof within which to file arguments in this office, and that at the expiration of said time, the papers in the case together with such arguments will be forwarded to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

I. E. Needles,

Commissioner in Charge.

COPY.

M.C.R. 5844

Muskogee, Indian Territory, January 21, 1903.

Matilda J. Blalock,
138 Dawson Street,
Dallas, Texas.

Dear Madam:

You are hereby advised that on the 21st day of January, 1903, the Commission to the Five Civilized Tribes rendered a decision in the case of Matilda J. Blalock, et al., applicants for identification as Mississippi Choctaws:

This application was made under the provision of the act of Congress of June 28, 1898 (30 Stats., 495) which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto and make report to the Secretary of the Interior."

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Matilda J. Blalock, James I. Blalock, Maggie I. Blalock, Harley W. Blalock, Mary Ethel Blalock, Pearl Blalock and Dee R. Blalock as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the application for their identification as such should be refused, and it is so ordered."

You are further advised that you will be allowed fifteen days from the date hereof within which to file arguments in this office.

M. J. B. #2

and that at the expiration of said time, the papers in the case together with such arguments will be forwarded to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

T. D. J. J. J. J.
Commissioner in Charge.

Registered.

M C R 5844

Muskogee, Indian Territory, February 3, 1903.

Matilda J. Blalock,
Kaufman, Texas.

Dear Madam:

Receipt is hereby acknowledged of your letter of the 29th ultimo, in which you ask that you be allowed further time within which to offer additional evidence in support of your claim.

In reply to your letter you are informed that the fifteen days from January 21, 1903, heretofore granted you, will expire on February 5, 1903. On February 6, 1903, the record in your case, together with such arguments as may be offered in support of your application, will be forwarded to the Secretary of the Interior. You will be duly notified of such action as may be taken by him.

You are further advised that the fifteen days granted applicants for identification as Mississippi Choctaws within which to file arguments in support of their claims, are allowed under specific departmental instructions and cannot be extended.

Respectfully,

Acting Chairman.

OPY.

Muskogee, Indian Territory, February 6, 1903.

The Honorable,

The Secretary of the Interior.

Sir:

There is transmitted herewith the record in the case of Matilda J. Blalock, et al., applicants to the Commission for identification as Mississippi Choctaws, including the decision of the Commission of January 21, 1903.

The Commission has the honor to report that the principal applicant herein and the attorneys for the Choctaw and Chickasaw Nations have been duly advised by letter of the action of the Commission, copies of said letters being attached to the record.

Respectfully,

(SIGNED).

Through the
Commissioner of Indian Affairs.
2 Enc. M.C.R. 5844

C. G. Crockett
Commissioner in Charge.

Land.
10100-1903

C O P Y.

DEPARTMENT OF THE INTERIOR,

Office of Indian Affairs,

Washington.

March 21, 1903.

The Honorable

The Secretary of the Interior.

Sir:

I have the honor to transmit herewith the record of the Commission to the Five Civilized Tribes in the matter of the application for identification as Mississippi Choctaws of Matilda J. Blalock, for herself and her six minor children James L., Maggie I., Harley W., Mary Ethel, Pearl and Dee R. Blalock, wherein a decision adverse to the applicants was rendered by the Commission of January 21, 1903.

An examination of the evidence in this case shows that the applicants claim identification by reason of their descent from Mary Rogers, nee Griffin, who is alleged to have been a citizen of the Choctaw Nation. Claim is also made through Larkin Rogers and Elizabeth S. Rogers, nee Martin, parents of Mary Rogers nee Griffin.

The Commission states in its decision rejecting these applicants that its records do not show that Mary Rogers, nee Griffin, or Larkin Rogers, or Elizabeth S. Rogers, nee Martin, or an ancestor less remote, ever complied or attempted to comply with the provisions of the 14th article of the Choctaw treaty of 1830.

The records of this office have been searched for the names of Mary Rogers, nee Griffin, Larkin Rogers, Elizabeth S. Rogers, nee Martin, and they not being found included in the list of those persons who complied or sought to comply with the provisions of the 14th article of the Choctaw treaty of 1830, I have to recommend that the decision of the Commission be approved.

Very respectfully,

(Signed) A. C. TONNER,
Acting Commissioner.

H.B.F. H'r.

3 enclosures.

D.C. 11674-1903.
I.T.D. 3142-1903.
L.R.S.

F.H.B.

DEPARTMENT OF THE INTERIOR
WASHINGTON,

April 22, 1903.

Commission to the Five Civilized Tribes,
Muskogee, Indian Territory.

Gentlemen:

February 6, 1903, you transmitted the record in the case involving the applications for identification as Mississippi Choctaws of Matilda J. Blalock (M.C.R. 3844), for herself and her six minor children, James I., Maggie I., Harley W., Mary Ethel, Pearl and Dee R. Blalock, including your decision of January 21, 1903, denying their applications.

The applicants claim rights in Choctaw lands under article 14 of the treaty of September 27, 1830, by reason of being descendants of Mary Rogers, nee Griffin, who is alleged to have been a Choctaw Indian, degree of blood not stated, and who was the daughter of Larkin Rogers and Elizabeth S. Rogers, nee Martin.

The record fails to show that the applicants were ever admitted or enrolled as members of the Choctaw tribe of Indians, or that their alleged ancestors ever complied or attempted to comply with the said article 14 of the treaty of

1830, or with the subsequent acts of Congress relating thereto.

Reporting in the matter March 21, 1903, the Acting Commissioner of Indian Affairs recommends that your decision be approved. A copy of his letter is inclosed.

The Department finds no reason to disturb your decision, and it is hereby affirmed.

Respectfully,

(Signed)

THOS. RYAN,

Acting Secretary.

1 inclosure.

M.C.R. 5844

COPY,

Muskogee, Indian Territory, April 30, 1903.

Matilda J. Blalock,
#138 Dawson St.,
Dallas, Texas.

Dear Madam:

You are hereby notified that on the 22nd day of April, 1903, the Secretary of the Interior affirmed the decision of this Commission refusing the application for identification as Mississippi Choctaws of the several persons included in the case of Matilda J. Blalock, et al., of which decision you were advised by registered mail on the 21st day of January, 1903.

Respectfully,

Tams Bixby.

Chairman.

COPY.

Nowhere, Indian Territory, April 30, 1903.

Manfield, McMurray & Cornish,

Attorneys for the Choctaw and Chickasaw Nations,

South McAlester, Indian Territory.

Gentlemen:

You are hereby notified that on the 22nd day of April, 1903, the Secretary of the Interior affirmed the decision of this Commission refusing the application for identification as Mississippi Choctaws of the several persons included in the case of Matilda J. Blalock, et al., of which decision you were advised by mail on the 21st day of January, 1903.

Respectfully,

SIGNED

Tams Bixby.

Chairman.

For Identification as a Mississippi Choctaw.

Date JUN 1 1902

Name Matilda J. Blalock.

Age 48. Blood 1/8.

Post-Office. #138 Dawson St.
Dallas Texas.

Father: William Page. dead.

Mother: Mary Page. dead.

Claims through mother

Children.

James A. Blalock	17.
Maggie J. " "	15.
Harley W. " "	13.
Mary Ethel " "	12.
Pedre " "	10.
Dee R. " "	8.

FATHER: James Blalock. dead.
(Claims for self and six
minor children).

Clara M. Wood

Choctaw MCR 5845

Sharkey H. Roth

See MCR 4006

MCR 5845

Department of the Interior
Commission to the Five Civilized Tribes
Muskogee, I.T. June 19, 1902.

8845

In the matter of the application for identification as a
Mississippi Choctaw of Sharkey H. Roth.

J. G. Falls, attorney; --no appearance by attorney.

Sharkey H. Roth being first duly sworn testifies as follows:

Examination by the Commission

- Q What is your name? A Sharkey H. Roth.
Q S-h-a-r-k-e-y? A Yes, sir--R-o-t-h.
Q How old are you? A Thirty-four.
Q How much Choctaw blood do you claim? A One-thirty second.
Q What is your post office address? A Aberdeen, Mississippi.
Q Where were you born, in Mississippi? A No, sir; in Alabama.
Q How long did you live in Alabama? A About two or three years.
Q Then you moved to Mississippi? A Yes, sir.
Q Lived in Mississippi ever since? A Yes; since I was about five years old.
Q What part of Alabama were you born? A Marion County.
Q Is that near the Mississippi line? A No, sir.
Q How far from the Mississippi line? A About 200 miles.
Q Is your father living? A Yes, sir.
Q What is his name? A H. Roth.
Q How old is he? A About sixty-one, I am not sure.
Q Is your mother living? A No, sir.
Q What was her name? A Caroline Roth.
Q Through which parent do you claim Choctaw blood? A Through my mother.
Q How old would your mother be if living now? A She was about forty when she died and has been dead about eighteen years.
Q Where was your mother born? A She was born in South Carolina but I can't tell you exactly what place.
Q How old was she when she left South Carolina and where did she move to? A She moved to Georgia from there.
Q From Georgia where did she move to? A To Mississippi.
Q She lived in Mississippi for some time did she not? A Yes, sir.
Q Did she die in Mississippi? A Yes; she died there.
Q Are you married? A No, sir.
Q Making this claim for yourself alone then are you? A Yes, sir.
Q Is your name to be found upon any of the tribal rolls of the Choctaw Nation in Indian Territory? A I don't know whether it is or not.
Q That is in the Territory here; has she ever been here? A No, sir; I don't think so.
Q Did she ever live in Indian Territory at all? A I don't think she did.
Q Is it the family history that she lived here; have you any friends

to believe that she ever lived here in the Indian Territory?

A No, sir.

Q Have you ever been recognized in any manner or enrolled as a member of the Choctaw tribe of Indians in Indian Territory by the Choctaw tribal authorities or the United States authorities?

A No, sir.

Q Did you ever make application to the Choctaw tribal authorities to be enrolled as a citizen of the Choctaw Nation? A No, sir.

Q Did you or any one for you in the year 1896 make application to the Commission to the Five Civilized Tribes to be admitted to citizenship in the Choctaw Nation under the act of Congress of June 10, 1896? A No, sir.

Q Have you ever been admitted to citizenship in the Choctaw Nation by the Choctaw tribal authorities, the Commission to the Five Civilized Tribes or the United States Court in Indian Territory?

A No, sir.

Q Have you ever made application prior to this time to either the Choctaw tribal authorities or the United States authorities to be admitted or enrolled as a citizen of the Choctaw Nation?

A No, sir.

Q Do you appear before the Commission at this time for the purpose of claiming rights in the Choctaw lands, in Indian Territory, under the provisions of article fourteen of the treaty concluded between the United States government and the Choctaw tribe of Indians September 27, 1830? A Yes, sir.

Q Do you understand the provisions of the fourteenth article of the treaty of 1830? A Not altogether.

This treaty, commonly called the treaty of Dancing Rabbit Creek, was entered into September 27, 1830, between the United States government and the Choctaw tribe of Indians at a place called Dancing Rabbit Creek in the state of Mississippi. The Choctaws at that time occupied a portion of the state of Mississippi and a small portion of the state of Alabama lying along the Western boundary line. The object of the treaty was to secure the removal of the Choctaws from the country they then occupied to a new country West of the Mississippi River. At the time the treaty was made a great many Choctaws objected to moving to this new country but wanted to remain in the old Choctaw Nation and for the benefit of that class of Choctaws article fourteen was made a part of the treaty. That article is as follows:

"Each Choctaw head of a family being desirous to remain and become a citizen of the States shall be permitted to do so by signifying his intention to the Agent within six months from the ratification of this treaty and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land to be bounded by sectional lines of survey; in like manner shall be entitled to one-half that quantity for each unmarried child which is living with him over ten years of age; and a quarter section to such child as may be under ten years of age, to adjoin the location of the parent. If they reside upon said lands intending to become citizens of the States for five years after the ratification of this treaty in that case a grant in fee simple shall issue; said reservation shall include the present improvement of the head of the family or a portion of it. Persons who claim under this article shall not lose the privilege of a Choctaw citizen but if they ever remove are not to be entitled to any portion of the Choctaw annuity."

That article required that in case a Choctaw elected to remain in the old Choctaw Nation, in Mississippi and Alabama, accept land there under its provisions, he should within six months from the date the treaty was ratified which was done by Congress on the 24th day of February 1831, go before the government agent there in the old Choctaw Nation and signify to him, or let him know in some way, that he wanted to remain, become a citizen of the States and that he wanted to take land under this article. After having done that he was entitled as the head of the family to a reservation of one section of land to be bounded by sectional lines of survey for each child in his family unmarried and over the age of ten years he was entitled to one-half that quantity of land or three hundred and twenty acres; and for each child in his family under ten years of age he was entitled to a quarter section or one hundred and sixty acres of land; the reservations of the children to adjoin the reservation of the parents and these reservations to include any improvements owned by the head of the family at the time the treaty was made, September 27th 1830. This article also required that after a Choctaw had received his land he should reside upon the same for a term of five years after which time the government would give him a deed or patent to the land and he could then dispose of it at his own pleasure. The last clause of this article is as follows:

"Persons who claim under this article shall not lose the privilege of a Choctaw citizen but if they ever remove are not to be entitled to any portion of the Choctaw annuity."

That means that in case a Choctaw remained, took land under this fourteenth article and having complied with the terms of the article by having resided upon the land for a term of five years, should remove to the Choctaw Nation, Indian Territory, he would still retain his citizenship, he would still be entitled to citizenship in the Choctaw Nation but would not be entitled to any portion of the Choctaw annuities. Annuities are moneys paid by the United States government to the Choctaw tribe of Indians under treaty provisions.

- Q That is an explanation of the fourteenth article; do you think you understand it now? A Yes, sir; I think I do.
- Q What is the name of your ancestor who resided in the old Choctaw Nation in 1830 at the time this treaty was made? A It was Elizabeth Brashear.
- Q What relation was Elizabeth Brashear to you? A My great grandmother.
- Q You get your Choctaw blood from your mother Caroline Dumas who married a Roth; now what relation was she to Elizabeth Brashear? A She was-----.
- Q I will help you out further. Who did Caroline Dumas or Caroline Roth get her Choctaw blood from, which one of her parents? A Her mother.
- Q What was her mother's name? A It was Eliza Jenkins.
- Q That was your grandmother then? A Yes, sir.
- Q On your mother's side? A Yes, sir.
- Q What was her mother's name; that would be your great grandmother? That is, --let see, --Elizabeth Brashear.
- Q Eliza Jenkins then was a daughter of Elizabeth Brashear? A Yes sir.

- Q Did Elizabeth Brashear reside in the old Choctaw Nation in Mississippi and Alabama on the 27th day of September 1830, at the time this treaty was made? A I think she moved from there when she was about 10 years old; about 1830 I think it was.
- Q You say your mother would be fifty-eight years of age if she was living at the present time; did she have any brothers or sisters older than she? A She had three brothers but I don't know whether they were older than she or not; I think probably two of them were older than she was.
- Q You know how much older? A No, sir; I could not say how much.
- Q You know what year your grandfather and grandmother were married? A No, sir; I could not say.
- Q You say your grandmother's name was Eliza Jenkins; was that her married name or maiden name? A Married name.
- Q You have stated that your mother's name was Caroline Dumas; how could she be a Dumas when Jenkins was the married name of her mother; you have traced your descent from your mother Caroline Roth who was Caroline Dumas? A Yes, sir.
- Q You have stated that Caroline Dumas' mother was Eliza Jenkins? A Yes, sir.
- Q Then that is her married name? A Yes; that is her married name.
- Q Was she married more than once? A I don't think she was; I am not sure.
- Q Your mother's maiden name was Dumas? A Yes, sir.
- Q How could she be a daughter of Eliza Jenkins if her name was Dumas? A Jenkins was my grandmother's name.
- Q Yes; was she Caroline Dumas' mother? A Yes, sir.
- Q Then that would be Caroline Jenkins instead of Caroline Dumas? A I find it in the Bible.
- Q You are not very clear as to your descent from Elizabeth Brashear I mean that you are not sufficiently posted to give the line of descent, as to how you get that Choctaw blood from Elizabeth Brashear? A No, sir.
- Q Have any of your mother's brothers been before the Commission and applied for identification as Mississippi Choctaws? A Yes, one or two.
- Q Give their names please? A A. W. Dumas and T. W. Dumas.
- Q What is A. W.'s first name? A His first name is Andrew I believe.
- Q You know him? A Yes, sir.
- Q Don't know what his given name is? A I believe it is Andrew or Andrews.
- Q Is it Aurelius? A Yes; that is it --Reelius, they call him Reely.

Reference is here made to the application of Aurelius W Dumas, N C R 5726.

- Q Your uncle A. W. Dumas gives the name of his father as Winchester Dumas and the name of his mother as Louisa Jenkins, maiden name, and claims that he derives his Choctaw blood from his father Winchester Dumas; now was Caroline Roth, who was a Dumas a full sister of A. W. Dumas? A Yes, sir.
- Q Derived her Choctaw blood from the same source? A Yes, sir.
- Q Then when you made the statement that your mother derived her Choctaw blood from her mother and gave the name of her mother as Eliza Jenkins you were mistaken? A Yes; I must have been.
- Q You desire to have your testimony corrected so as to show your mother deriving her Choctaw blood from her father Winchester Dumas? A Yes, sir.

- Q Whom did Winchester Dumas get his Choctaw blood from; was he a son of Elizabeth Brashear, Elizabeth Brashear who married Dumas?
A Yes, I think so.
- Q Have you any uncles or aunts older than A. W. Dumas? A I have one in Independence, Kansas, I think he is older.
- Q Do you know whether Winchester Dumas and Eliza Jenkins were married and did they have children at the time of the making of the treaty of 1830? A I don't know whether they had children or not.
- Q You know when they were married? A No, sir.
- Q That is your grandfather and grandmother? A Not the date No sir.
- Q About what year do you think? A I could not say exactly.
- Q Do you know which one of your ancestors complied or attempted to comply with article fourteen? A My great grandmother I suppose is the only one.
- Q Did she comply with article fourteen and receive land from the United States government as a beneficiary? A Yes; she left Mississippi under the treaty I think and came out and took a claim.
- Q Took a claim where? A In the Territory.
- Q Did she receive any land from the United States government as a beneficiary under article fourteen, in the old Choctaw Nation in Mississippi and Alabama? A You mean did she get transferred?
- Q Did she get any land from the government there? As I explained to you those Choctaws who remained in the old Choctaw Nation by going, within six months from the time of the ratification of the treaty, that is from the 24th day of February 1831, before the government agent there in Mississippi and telling him that they wanted to stay there were entitled to certain benefits, to receive certain lands as Choctaw Indians; now did she within six months signify her intention of staying in the old Choctaw Nation and taking land under article fourteen? A She left and came over here.
- Q Then she did not comply with article fourteen if she left and came over here? A I suppose she complied whether she left or not.
- Q What year did she leave the old Choctaw Nation and come to the Choctaw Nation, Indian Territory? A About 1831 I believe.-- thirty or thirty-one.
- Q Did she move to the Indian Territory? A Yes, sir.
- Q How long did she live in the Choctaw Nation Indian Territory? A A I don't know exactly how long she lived here.
- Q Did she ever receive any land from the United States government which was held by her in the old Choctaw Nation in Mississippi? A I think she got land in Mississippi.
- Q She did what? A She moved from Mississippi and got land here.
- Q Did she take up any land in the old Choctaw Nation in Mississippi and Alabama as a Choctaw Indian? A I don't know about Alabama.
- Q Well what about Mississippi? A She did from Mississippi.
- Q Did she get any land from the United States government in Mississippi? A Yes, I understood that she did.
- Q What did she do with this land, you say she left Mississippi in 1831; the treaty was made in 1830? A What did she do with that land?
- Q Yes, what did she do with it? A It went under the government when she died.
- Q When did she die? A She died--I don't know the exact place.
- Q Listen now and see if you can understand; I asked you if Elizabeth Brashear received any land from the United States government as a Choctaw Indian in the old Choctaw Nation in Mississippi and Alabama, you say she moved from there in 1831; now did she get any land in Mississippi as a Choctaw Indian? A In Mississippi?

- Q Yes in 1830, after the making of this treaty? A I don't know whether she got any land there or not in Mississippi. As I understand it it was transferred from Mississippi.
- Q What was transferred; the Choctaw Indians moved? A Yes, sir.
- Q As I told you the object of this treaty was to secure the removal of the Choctaw Indians from Mississippi to the Indian Territory; now did she stay there and take land or did she move with the Choctaws to the Indian Territory? A As I understand it she moved.
- Q Then she did not take any land, is that what I understand you to say? A I don't know whether she took any land there or not?
- Q But it is your family history that she moved from the old Choctaw Nation in Mississippi and Alabama to the new Choctaw Nation in Indian Territory about the year 1831? A Yes, sir.
- Q Did she die in Indian Territory? A Yes, I think she did; I am not sure, I think she died in the Territory.
- Q Did she ever go back to the state of Mississippi from the Choctaw Nation in Indian Territory after her removal in 1831? A No, sir.
- Q She never went back to Mississippi after her removal to the Indian Territory? A No, sir.

Under the provisions of article fourteen the government directed its agent to register the names of all those Choctaws who wanted to remain and take land. The records of the government show that this agent failed to register the names of a great many Choctaws who did go before him and signify their intention to stay there and take land and on this account the land upon which the Choctaws owned improvements was sold by the government at its public land sales. This caused a great many complaints on the part of the Choctaws and these complaints finally reached Congress and Congress by an act approved March 3, 1837 and another approved August 23, 1842 appointed Commissions to go to Mississippi and investigate these claims. These Commissions investigated a number of claims some of which were adjudicated favorably and others were rejected.

- Q Now did your great grandmother or any one for her appear before either of these Commissions and establish rights to land under article fourteen? A Not as I know of, I could not say.
- Q Did Elizabeth Brashar or any of your Choctaw ancestors own any improvements upon what constituted the old Choctaw Nation in Mississippi and Alabama at the time this treaty was made in 1830? A I don't know.
- Q Were any of your Choctaw ancestors ever recognized as members of the Choctaw tribe of Indians in Mississippi or Alabama? A Yes, I think they were, I heard that they were recognized.
- Q Were they recognized by the Choctaw tribal authorities as members of the Choctaw tribe of Indians? A Yes, sir.
- Q Did they live with them and associate with them? A Yes, they lived with them.
- Q Have you any proof of any kind to submit showing that they were recognized as members of the Choctaw tribe of Indians in 1830? A No, sir; I have no proof.
- Q Have you any proof to submit to the Commission showing that any of your Choctaw ancestors ever received any land from the United States government as Choctaw Indians under article fourteen of the treaty of 1830? A No, sir.
- Q Do you know which one of your Choctaw ancestors was married and the head of a family in 1830? A No, sir; I could not say.

- Q Are you a member of the Dumas family who have appeared before the Commission and made application to be identified as Mississippi Choctaws; are you related to them? A Yes, sir.
- Q Do you desire the record in your case to be considered in connection with the consolidation of their cases? A Yes, sir.

Reference is here made to Mississippi Choctaw case 4004, Scott S. Dumas, et al., for the purpose of consolidation.

- Q Have you any other statement you desire to make in connection with your case? A No, sir.
- Q Do you speak or understand the Choctaw language? A No, sir.

The applicant has the appearance of a person of white parentage; testifies that his ancestor, Elizabeth Brashear, through whom he claims his right to identification as a Mississippi Choctaw, moved from the old Choctaw Nation, Mississippi and Alabama, to the Choctaw Nation Indian Territory about the year 1831 and that he has no knowledge of any act of compliance on the part of his ancestors with any of the provisions of article fourteen of the treaty of 1830.

G. Rosenwinkel being duly sworn on his oath states that as stenographer to the Commission to the Five Civilized Tribes he reported in full all the proceedings had in the above entitled cause on June 19, 1902, and that the above and foregoing is a full, true and correct transcript of his stenographic notes in said cause on said date of June 1902.

G. Rosenwinkel

Subscribed and sworn to before me this 26 day of August 1902.

B. C. Jones
Notary Public.

COPY.

COMMISSIONERS

TAMS HIXBY,
THOMAS B. NEEDLES,
C. R. BRECKINRIDGE,
W. E. STANLEY

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES

REFER TO REPLY TO THE FOLLOWING

M. C. R. 5845.

ALLISON L. AYLESWORTH
SECRETARY

MUSKOGEE, INDIAN TERRITORY, May 15, 1903

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES

Sharkey H. Roth,
Aberdeen, Mississippi.

You are hereby advised that on the 15th day of May, 1903, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Scott S. Dumas, et al., embracing the following applications for identification as Mississippi Choctaws:

Scott S. Dumas, et al.,	M. C. R. 4006 ✓
Miles G. Lantrip,	M. C. R. 4737 ✓
Mary P. Phillips, et al.,	M. C. R. 4738 ✓
Isom Lantrip,	M. C. R. 4739 ✓
William T. Brasher, et al.,	M. C. R. 4740 ✓
Andy Brasher, et al.,	M. C. R. 4741 ✓
Robert L. Brasher,	M. C. R. 4742 ✓
Albert Collums,	M. C. R. 4743 ✓
James S. Collums,	M. C. R. 4744 ✓
Thaddeus W. Dumas,	M. C. R. 5737 ✓
Aurelius W. Dumas,	M. C. R. 5726 ✓
Alexander Dumas, et al.,	M. C. R. 6113 ✓
Sharkey H. Roth,	M. C. R. 5845 ✓
Mary E. Carothers, et al.,	M. C. R. 5700 ✓
Carrie McConico, et al.,	M. C. R. 5520 ✓
Bernard A. Williams, et al.,	M. C. R. 5144 ✓
Maud Cain, et al.,	M. C. R. 5807 ✓
Claude A. Grantham, et al.,	M. C. R. 5714 ✓
James J. Dumas, et al.,	M. C. R. 5717 ✓
Sydney L. Dumas,	M. C. R. 5803 ✓
Adella Caroline Hardin, et al.,	M. C. R. 5698 ✓
Lulu K. Smith, et al.,	M. C. R. 5699 ✓
Benjamin F. Dumas,	M. C. R. 4521 ✓
James D. Dumas, et al.,	M. C. R. 4524 ✓
Ennis Palmer, et al.,	M. C. R. 5857 ✓
Maud Terry, et al.,	M. C. R. 4525 ✓
Lottie McCoy,	M. C. R. 4522 ✓
Jane E. McCreary,	M. C. R. 4523 ✓
Mary C. L. Hollis, et al.,	M. C. R. 4222 ✓
William H. Hollis, et al.,	M. C. R. 4311 ✓
Lawrence W. Hollis, et al.,	M. C. R. 4310 ✓
Minnie H. Nicolds, et al.,	M. C. R. 4312 ✓
Mary C. McLeod, et al.,	M. C. R. 4313 ✓
Hattie E. Andrews, et al.,	M. C. R. 4314 ✓
Charlie T. Skinner, et al.,	M. C. R. 4315 ✓

Thomas H. Hollis,	M. C. R. 4309 ✓
Blanche G. Merchant,	M. C. R. 4223 ✓
Lawrence W. Dumas, et al.,	M. C. R. 5731 ✓
Mary A. Wade, et al.,	M. C. R. 5822 ✓
Willie P. Dumas, et al.,	M. C. R. 5810 ✓
John R. Dumas, et al.,	M. C. R. 5701 ✓
Carrie A. Wilkerson, et al.,	M. C. R. 5703 ✓
Maggie Ida Dumas,	M. C. R. 5702 ✓
William P. Mims,	M. C. R. 5985 ✓
Ransom E. Mims, et al.,	M. C. R. 5858 ✓
Frank E. Dumas,	M. C. R. 5732 ✓
Ben M. Dumas,	M. C. R. 5811 ✓
Edward W. Blakey, et al.,	M. C. R. 5425 ✓
Naunie Black, et al.,	M. C. R. 4185 ✓
Charles H. Black,	M. C. R. 4200 ✓
Ammon Wood, et al.,	M. C. R. 4202 ✓
Willie Wood,	M. C. R. 4203 ✓
Ellington Wood,	M. C. R. 4199 ✓
Edna Fry,	M. C. R. 4286 ✓
Robert B. Shipp, et al.,	M. C. R. 4285 ✓
Maria J. Crawford, et al.,	M. C. R. 4115 ✓
Majie J. Crawford Cole, et al.,	M. C. R. 4116 ✓
Elizabeth Baxter Caldwell, et al.,	M. C. R. 4114 ✓
Jennie B. H. Calhoun, et al.,	M. C. R. 4117 ✓
J. M. Crawford, et al.,	M. C. R. 4094 ✓
Robert H. Crawford,	M. C. R. 4164 ✓
Edna M. Folliard, et al.,	M. C. R. 4168 ✓
Everett B. Crawford, et al.,	M. C. R. 4165 ✓
Edwin R. Crawford,	M. C. R. 4077 ✓
Pinkie Creuger, et al.,	M. C. R. 4169 ✓
Fannie Sharp, et al.,	M. C. R. 4433 ✓
George H. Gresham,	M. C. R. 4098 ✓
Oliver P. Gresham, et al.,	M. C. R. 4095 ✓
Robert O. Gresham, et al.,	M. C. R. 4201 ✓
Erma Biglow,	M. C. R. 4435 ✓
David E. Dumas,	M. C. R. 4651 ✓
DeBerry G. Dumas, et al.,	M. C. R. 4119 ✓
Birdie D. Carlet, et al.,	M. C. R. 4123 ✓
Mack O. Dumas,	M. C. R. 4658 ✓
Susan M. Hendricks,	M. C. R. 4121 ✓
Onia Ann Stephens, et al.,	M. C. R. 4096 ✓
Jackson E. Hendricks, Jr., et al.,	M. C. R. 4126 ✓
Mary H. Decker, et al.,	M. C. R. 4122 ✓
Helen Martin, et al.,	M. C. R. 4097 ✓
John W. Dumas,	M. C. R. 5012 ✓
Ada B. Ewing, et al.,	M. C. R. 4284 ✓
Minnie P. Dumas,	M. C. R. 5011 ✓
Malinda Blanks, et al.,	M. C. R. 4118 ✓
William C. Blanks, et al.,	M. C. R. 4135 ✓
Robert E. Blanks, et al.,	M. C. R. 4139 ✓
Nora E. Binford,	M. C. R. 4125 ✓
Birdie A. Wilson, et al.,	M. C. R. 4134 ✓
Albert G. Dumas, et al.,	M. C. R. 4631 ✓
Roxanna Freeman, et al.,	M. C. R. 4850 ✓
Arizona Elizabeth Daniels, et al.,	M. C. R. 4633 ✓
Dixie Dumas Connolly, et al.,	M. C. R. 4632 ✓
Maude Florence Clark, et al.,	M. C. R. 5713 ✓
May L. Brown,	M. C. R. 5725 ✓

Murat Dumas, et al.,	M. C. R. 5715 ✓
Lula A. Dumas,	M. C. R. 5716 ✓
Lena Fulton, et al.,	M. C. R. 4144 ✓
Lauren Scott Cannon, et al.,	M. C. R. 4145 ✓
Eula Umphress, et al.,	M. C. R. 4146 ✓
Pearl Barron, et al.,	M. C. R. 4147 ✓
James W. Wheat, et al.,	M. C. R. 4695 ✓
Ivy A. Fowler,	M. C. R. 4696 ✓
Dan H. Dumas, et al.,	M. C. R. 3766 ✓
Eula D. Shivel,	M. C. R. 4075 ✓
Walter W. Dumas,	M. C. R. 4015 ✓
James P. Dumas,	M. C. R. 3503 ✓
Travis M. Dumas, et al.,	M. C. R. 4007 ✓
Verna J. Dumas, et al.,	M. C. R. 4140 ✓
Laura D. Cole, et al.,	M. C. R. 4141 ✓
Victoria J. Pierce, et al.,	M. C. R. 4066 ✓
Lee W. T. Herman,	M. C. R. 4254 ✓
Annie B. Wallace, et al.,	M. C. R. 4250 ✓
Louis Dumas, et al.,	M. C. R. 4014 ✓
Belle Leslie, et al.,	M. C. R. 4067 ✓
John F. Sanders, et al.,	M. C. R. 5445 ✓
Nancy J. Whorton, et al.,	M. C. R. 5446 ✓
James L. Sanders,	M. C. R. 5560 ✓
Julia A. Wells,	M. C. R. 5559 ✓
Emsley M. Sanders, et al.,	M. C. R. 5804 ✓
Cora C. Bond, et al.,	M. C. R. 4620 ✓
Margaret K. Aston, et al.,	M. C. R. 4562 ✓
Mary Jane Damron, et al.,	M. C. R. 5805 ✓
William E. Aston, et al.,	M. C. R. 4583 ✓
Vic Damron, et al.,	M. C. R. 4619 ✓
Cynthia Jane Dicken, et al.,	M. C. R. 4582 ✓
William T. Sanders, et al.,	M. C. R. 5444 ✓
James P. Sanders, et al.,	M. C. R. 4069 ✓
Missieniah Ellison, et al.,	M. C. R. 4154 ✓
Lillie Page, et al.,	M. C. R. 4155 ✓
Walter H. Thompson,	M. C. R. 4142 ✓
Jeff D. Thompson, et al.,	M. C. R. 4016 ✓
Mary A. Ferguson, et al.,	M. C. R. 4772 ✓
Vergie J. Powers, et al.,	M. C. R. 4773 ✓
Willie E. Ferguson, et al.,	M. C. R. 4774 ✓
Alonzo A. Ferguson,	M. C. R. 4775 ✓
Sue A. Thompson, et al.,	M. C. R. 4389 ✓
Ada Thompson,	M. C. R. 4076 ✓
Emma C. Canon, et al.,	M. C. R. 3414 ✓
Winnie D. Canon,	M. C. R. 3415 ✓
Delmer Canon,	M. C. R. 3761 ✓
George Thompson, et al.,	M. C. R. 3756 ✓
George Homer Thompson,	M. C. R. 3757 ✓
Ida Sandford,	M. C. R. 3759 ✓
Lula Thompson Noe, et al.,	M. C. R. 3760 ✓
Verner L. Dumas,	M. C. R. 5719 ✓
James Don Dumas, et al.,	M. C. R. 5720 ✓
Claude E. Dumas, et al.,	M. C. R. 5721 ✓
Missie E. Biggerstaff, et al.,	M. C. R. 5722 ✓
Nettie A. Woolverton,	M. C. R. 6185 ✓
Elizabeth Wood,	M. C. R. 6268 ✓
Eula P. Niswander, et al.,	M. C. R. 6342 ✓
Lawrence L. Thompson, et al.,	M. C. R. 6373 ✓

These applications were made under the provision of the act of Congress of June 28, 1898 (30 Stats., 495), which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto, and make report to the Secretary of the Interior."

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Scott S. Dumas, Ruth Dumas, Miles G. Lantrip, Mary P. Phillips, Early E. Phillips, Esther E. Phillips, Maud E. Phillips, Leo R. Phillips, Myrtle Phillips, Leland Phillips, Durelle Phillips, Rex Phillips, Isom Lantrip, William T. Brasher, Maltie Brasher, Vaudy Brasher, Cordy Brasher, Andy Brasher, Ada Brasher, William C. Brasher, Robert L. Brasher, Albert Collums, James S. Collums, Thaddeus W. Dumas, Aurelius W. Dumas, Alexander Dumas, Dixie M. Dumas, Melville Sidney Dumas, Charles I. Dumas, Sharkey H. Roth, Mary E. Carothers, Ida Blanche McClurg, Susie May McClurg, Ada Maud McClurg, Monroe McClurg, Carrie McConico, Nannie May Mobley, Henry Pope Mobley, Willie McConico, Bernard A. Williams, Marcells Williams, John Williams, Vernie Williams, Maud Williams, Hattie Williams, Maud Cain, John Joseph Cain, Ida May Cain, Claude A. Grantham, Claudia May Grantham, James J. Dumas, Lawrence Dumas, Sydney L. Dumas, Adella Caroline Hardin, Olie Caroline Hardin, Clyde Abraham Hardin, Lula K. Smith, Opal Smith, Benjamin F. Dumas, James D. Dumas, Abbie A. Dumas, James H. Dumas, Gladys Dumas, Benjamin Dumas, Ennis Palmer, Edgar Palmer, Erbert Palmer, Maud Terry, Morn Terry, Dumas Terry, Millwee Terry, Lottie McCoy, Jane E. McCreary, Mary C. L. Hollis, Linnie L. Hollis, William H. Hollis, William H. Hollis, Jr., Lawrence W. Hollis, Eva M. Hollis, Lawrence W. Hollis, Jr., Beatrice M. Hollis, Scott W. Hollis, Minnie H. Nicolds, Richard Nicolds, Hollis Nicolds, Kate Nicolds, Edward Nicolds, Minnie Nicolds, Mary C. McLeod, Mary L. McLeod, Hattie E. Andrews, Max R. Andrews, Jr., Hattie E. Andrews (2), Charlie T. Skinner, Blanche L. Skinner, Thomas H. Hollis, Blanche G. Merchant, Lawrence W. Dumas, Mallie T. Dumas, Annie C. Dumas, Katie L. Dumas, Janie S. Dumas, Lawrence W. Dumas, Jr., Mary A. Wade, Edgar D. Wade, Glennan A. Wade, Willie P. Dumas, Jennie W. Dumas, Clark G. Dumas, Faris Dumas, John R. Dumas, Walter A. Dumas, Justin R. Dumas, Carrie A. Wilkerson, James A. Wilkerson, Walter D. Wilkerson, Maggie Ida Duma, William P. Mims, Ransom E. Mims, Oscar M. Mims, William T. Mims, Frank E. Dumas, Ben M. Dumas, Edward W. Blakey, Edna Blakey, John Blakey, Nannie Black, Catherine Black, Charles H. Black, Ammon Wood, Willie A. Wood, Leslie B. Wood, Willie Wood, Ellington Wood, Edna Fry, Robert B. Shipp, Ruby B. Shipp, Maria J. Crawford, Lucille Crawford, Ghent Crawford, Ed S. Crawford, Jr., Jodie F. Crawford, Majie J. Crawford Cole, Jewel I. Cole, James A. Cole, Susie M. Cole, Christine Cole, Majie Douglass Cole, Elizabeth Baxter Caldwell, Mabel E. Caldwell, Jodie Lee Caldwell, Jennie B. H. Calhoun, Owen H. Calhoun, Edwin C. Calhoun, J. M. Crawford, Edwin Dickey Crawford, Hattie May Crawford, James M. Crawford, Jr., Ellen Lee Crawford, Robert H. Crawford, Edna M. Folliard, Crawford J. Folliard, Aileen Folliard, Cecil H. Folliard, William Richard Folliard, Everett B. Crawford, Everett B. Crawford, Jr., Edwin R. Crawford, Pinkie Creager, Margaret E. Creager, Fannie Sharp, Dan M. Sharp, Charlotte Jane Sharp, George H. Gresham, Oliver P. Gresham, Lizzie D. Gresham, Frances Margret Gresham, Robert O. Gresham, Hill Campbell Gresham, Erma Biglow, David E. Dumas, DeBerry G. Dumas, Walter A. Dumas, Birdie D. Carlet, Glenna W. Carlet, Helen C. Carlet, Mack O. Dumas, Susan M. Hendricks, Onia Ann Stephens, Leno A. Stephens, Harold Richard Stephens, Louise Stephens, Vernon Stephens, Charles Edwin Stephens, Jr., Jackson E. Hendricks, Jr., Hallie H. Hendricks, Ruth Hendricks, Rubie Hendricks, Mary H. Decker, William H. Decker, Jr., Susan H. Decker, Helen Martin, Vera Martin, Alma Martin, Samuel Martin, John W. Dumas, Ada B. Ewing, Freda Ewing, Mabel Ewing, Minnie P. Dumas, Malinda Blanks, Arthur Blanks, William C. Blanks, Ruth J. Blanks, Mary G. Blanks, Robert E. Blanks, Robert E. Blanks, Jr., Nora E. Binford, Birdie A. Wilson, John H. Wilson, Albert G. Dumas, Arline Dumas, Lisle Dumas, Dixie D. Dumas, Roxanna Freeman, William Clyde Freeman, Arizona Elizabeth Daniels, Stafford Livonia Daniels, Dixie Dumas Connolly, Sybil Connolly, Frank C. Connolly, Maude Florence Clark, Irene L. Clark, May L. Brown, Murat Dumas, Eugene Dumas, Lula A. Dumas, Lena Fulton, J. Harold Fulton, Clifford C. Fulton, Lauren Scott Cannon, Josiah B. Cannon, Kathleene Cannon, Eula Umphress, Carl C. Umphress, Helen M. Umphress, Pearl Barron, Guyon Elizabeth Barron, James W. Wheat, Dumas Wheat, Ivy A. Fowler, Dan H. Dumas, Harriet Pinkey Dumas, Eula D. Shivel, Walter W. Dumas, James P. Dumas, Travis M. Dumas, Lige F. Dumas,

Verna J. Dumas, Hazel A. Dumas, Laura D. Cole, Dorothy Cole, Victoria J. Pierce, Louis Pierce, Arthur Pierce, Lee W. T. Herman, Annie B. Wallace, Gladys Wallace, Marvin Wallace, Hortense Wallace, Ferrol Wallace, Louis Dumas, Ward Lamont Dumas, Fred Dumas, Mary A. E. Dumas, Belle Leslie, Gerline Leslie, Mae D. Leslie, Lloyd Leslie, Karl Leslie, John F. Sanders, Robert D. Sanders, Cynthia Beatrice Sanders, Turner Lee Sanders, Nancy J. Whorton, Mabel Whorton, James L. Sanders, Julia A. Wells, Emsley M. Sanders, Dottie Sanders, Cora C. Bond, Callie Bond, Ray M. Bond, Clede Bond, Margaret K. Aston, Belva Lockwood Aston, Mary Jane Damron, Emma J. Damron, Claud M. Damron, Maud Damron, Lila C. Damron, Walter W. Damron, Minnie Damron, Mamie Damron, Joseph Scott Damron, William E. Aston, Eula M. Aston, Verna D. Aston, Texanna Aston, Willie Eunice Aston, Lonie H. Aston, William Edward Aston, Jr., Vic Damron, Clara Bell Damron, Hugh Ella Damron, Jimmie Otha Damron, Nora May Damron, Willie Monroe Damron, Cynthia Jane Dicken, John R. Ferguson, William T. Sanders, Louis Burke Sanders, Wilda D. Sanders, James P. Sanders, Nellie Sanders, Cora Sanders, Olive Sanders, Missieniah Ellison, Lena Nichols, Alma Ellison, Lillie Page, Marie Page, Catharine Page, Walter H. Thompson, Jeff D. Thompson, Clarence E. Thompson, James A. Thompson, Willie L. Thompson, Madeline F. Thompson, Gracie L. Thompson, Elsie Thompson, Mary L. Thompson, Minnie L. Thompson, Essie B. Thompson, Myrtle Thompson, John L. Thompson, Mary A. Ferguson, Julia A. Ferguson, Jeff Ferguson, Scotty S. Ferguson, Georgie B. Ferguson, Lovell E. Ferguson, Vergie J. Powers, Murray Powers, Maybell Powers, Willie E. Ferguson, Vergie B. Ferguson, Frank G. Ferguson, Alonzo A. Ferguson, Sue A. Thompson, May Thompson, Ada Thompson, Emma C. Canon, Emsley J. Canon, Alexander Canon, Tullie Clyde Canon, Winnie D. Canon, Delmer Canon, George Thompson, Charlie W. Thompson, Luther Bell Thompson, Mary Gertrude Thompson, George Homer Thompson, Ida Sanford, Lula Thompson Noe, Chester William Noe, Verner L. Dumas, James Don Dumas, Ella May Dumas, Claude E. Dumas, Jim Dumas, Missie E. Biggerstaff, Dora Biggerstaff, John M. Biggerstaff, Winnie Biggerstaff, Gladys Biggerstaff, Nettie A. Woolverton, Elizabeth Wood, Eula P. Niswander, Mildred Niswander, Lawrence L. Thompson, Mildred Bell Thompson, Lawrence L. Thompson, Jr., Cornelia Elizabeth Thompson and Willie Thompson as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the applications for their identification as such should be refused, and it is so ordered."

You are further advised that you will be allowed fifteen days from the date hereof within which to file arguments in this office, and that at the expiration of said time the papers in the case, together with such arguments will be forwarded to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

153

James A. Dwyer.

Chairman.

Registered.

MCR-5845

COPY.

Muskogee, Indian Territory, January 22, 1906.

Sharkey H. Roth,

Aberdeen, Mississippi.

Dear Sir:

You are hereby notified that the Secretary of the Interior, on January 5, 1906, affirmed the decision of the Commission to the Five Civilized Tribes of May 15, 1903, refusing the applications of the several persons included in the consolidated Mississippi Choctaw case of Scott S. Dumas, et al., of which, your application for identification as a Mississippi Choctaw is a part.

Respectfully,

SIGNED

James H. Smith

Commissioner.

No. 5845

For Identification as a Mississippi Choctaw.

Date JUN 19 1902

Name *Sharkey N. Roth*

Age *34* Blood *1/32*

Post Office. *Aberdeen Miss*

Father. *M. Roth*

Mother: *Caroline Roth* *Wife* ✓

Claims through *mother*

Claims for self only

~~Children:~~

Choctaw MCR 5846

Benjamin E. Chambers

See MCR 5670

MCR 5846

Department of the Interior.
Commission to the Five Civilized Tribes.
Muskogee, I. T., June 30th, 1902.

90000.

In the matter of the application of Benjamin M. Chambers
for the identification of himself and his two minor children,
Hiram Luther and Nannie A. M. Chambers, as Mississippi Choctaws.

No attorney.

Benjamin M. Chambers being first duly sworn testified as
follows:

Examination by the Commission:

- Q What is your name? A Chambers.
Q Full name? A Benjamin M. Chambers.
Q Are you married? A Yes sir.
Q How much Choctaw blood do you claim to have? A One-eighth.
Q How old are you? A Twenty-seven.
Q What is your post office address? A Walker, Indian Territory.
Q What Nation? A Chickasaw.
Q How long have you lived in the Chickasaw Nation? A Well, I
have just moved in there.
Q When? A Two weeks ago.
Q Where from? A Texas.
Q What part? A Lampasas County.
Q How long did you live in Texas? A Raised in Texas; born in
Texas.
Q Lived there all your life until you came to the Chickasaw Nation
two weeks ago? A Yes sir.
Q Is your father living? A Yes sir.
Q What is his name? A Jasper Chambers.
Q Is your mother living? A Yes sir.
Q What is her name? A Elizabeth.
Q Through which one of your parents do you derive your Choctaw
blood? A My father.
Q Where does your father live? A He lives in Texas.
Q What place? A Lampasas County.
Q About how old is your father? A I think he is seventy-
four.
Q Where was he born? A He was born in Kentucky.
Q How long did he live there after his birth? A Well, sir, I
don't know.
Q About how long? A About twenty-five years I suppose.
Q Where did he have to travel? A I don't know so I can't tell.

#2.

you where he did move; he has lived in several places; he moved I think, however, from Kentucky to Missouri or Kansas, I would not be certain which.

Q He never has lived in the state of Mississippi? A No sir.

Q Has your father ever appeared before this Commission as an applicant for identification as a Mississippi Choctaw? A Yes sir.

Q When? A About the 23rd of last month.

Q Has he ever been recognized in any manner or enrolled as a member of the Choctaw tribe of Indians in Indian Territory, by the Choctaw tribal authorities or the authorities of the United States? A No sir.

Q Were your father and mother legally married? A Yes sir.

Q Where were they married? A Married in Kentucky.

Q When? A Well, I couldn't---I don't believe I know.

Q Have you any minor brothers or sisters? A No sir.

Q Do you know whether your father and mother were married under a license or who performed the marriage ceremony? A No sir, I don't know.

Q How long have they been living together? A Why, I can say about how long.

Q Go ahead? A About forty years I suppose; no, longer than that

Q Tell us about how long? A About forty-eight years.

Q Through which one of his parents did your father derive his Choctaw blood? A His grandfather.

Q His parents---his father or his mother? A His mother.

Q What was her name? A Yes, his mother.

Q What was her name? A Evans.

Q Full name? A Now hold up, I believe I have got that mixed up.

Q See if you can't get that straightened out; I want the maiden name of your father's mother; full name? A Her name---see she was married to a Chambers and then she married to Evans; that's where I got it mixed.

Q Well, what was her maiden name? A Her name was Hanks; that was her maiden name.

Q What was her given name? A Lucinda.

Q Where was Lucinda born? A Well now I couldn't tell you where she was born.

Q How long has she been dead? A She's been dead about six or seven years.

Q Where did she live at the time of her death? A Texas.

Q How long had she lived there? A About two or three years.

Q Where did she live before that? A Kentucky.

Q How was she born and raised in the state of Kentucky? A No sir, I don't think she was.

Q Do you know where she was born and raised? A No sir.

Q Do you know whether she ever lived in the state of Mississippi? No sir, I don't.

Q You never heard that she ever lived there? A No.

Q Is your wife living? A Yes sir.

Q What is her name? A Her name is Sallie.

Q Has she any Choctaw blood? A No sir.

Q You make no claim for her? A No sir.

Q Have you any children living? A Yes sir.

Q How many? A Two.

#5.

- Q What are their names and ages? A The eldest one is Hiram Luther.
- Q How old? A Four.
- Q Next one? A Nannie A. H.
- Q How old? A Two.
- Q Are these both the children of yourself and Sallie Chambers?
- A Yes sir.
- Q Were you married to your wife under a license? A Yes sir.
- Q When? A I will have to count back to see; I have been married eight years in August.
- Q Eight years this coming August? A Yes sir.
- Q Where were you married? A City of Lampasas.
- Q Texas? A Yes sir.
- Q Who performed the marriage ceremony? A Parson Pancey.
- Q Have you your marriage license and certificate with you at this time? A No sir.

It will be necessary that the Commission be furnished with proper evidence of the marriage of yourself and Sallie Chambers for consideration in connection with the application you make in behalf of your two minor children. This evidence should be furnished the Commission within thirty days from this date if possible.

- Q You appear then before the Commission at this time for the purpose of making application for the identification of yourself and two minor children as Mississippi Choctaws? A Yes sir.
- Q Is your name or the name of either one of these children to be found upon any of the Choctaw tribal rolls? A I couldn't say.
- Q Did you ever make any effort of any kind to have your names placed upon the Choctaw tribal rolls? A No sir.
- Q Did you or any one for you or either of these children or any one for them, ever make any application of any description to the Choctaw tribal authorities in the Indian Territory, to be enrolled or admitted as citizens of that tribe? A No sir.
- Q Did you or any one for you in the year 1896 make application to the Commission to the Five Civilized Tribes for citizenship in the Choctaw Nation under the act of Congress of June 30, 1896?
- A No sir.
- Q Have you ever made any application of any description before to-day in your own behalf or in behalf of these children for the purpose of having your names enrolled as citizens of the Choctaw Nation? A No sir.
- Q Do you appear before the Commission at this time for the purpose of claiming rights in the Choctaw Nation in Indian Territory, for yourself and two minor children, under the provisions of the fourteenth article of the treaty between the United States government and the Choctaw Indians concluded at Dancing Rabbit Creek in Mississippi on the 27th day of September, 1830?
- A Yes sir.

The treaty of Dancing Rabbit Creek was entered into in the state of Mississippi on the 27th day of September, 1830, between the United States government and the Choctaw tribe of Indians. At the time this treaty was made the Choctaws occupied a portion of the state of Mississippi and a

small portion of the state of Alabama right along the western boundary line of the state. The object of the treaty was to secure the removal of the Choctaws from the country they occupied in Mississippi and Alabama to the new country west of the Mississippi river, part of which is now occupied by the greater portion of the Choctaw tribe of Indians and is commonly known as the Choctaw Nation, Indian Territory. At the time the treaty was made some of the Choctaws were unwilling to leave and remove to the new country west of the Mississippi river, but preferred to remain in what constituted the old Choctaw Nation in Mississippi and Alabama. For the benefit of this class of Indians what is known as the fourteenth article was put into the treaty. That fourteenth article is as follows:

"Each Choctaw head of a family being desirous to remain and become a citizen of the states shall be permitted to do so, by signifying his intention to the Agent within six months from the ratification of this treaty, and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land, to be bounded by sectional lines of survey; in like manner shall be entitled to one half that quantity for each unmarried child which is living with him over ten years of age; and a quarter section to such child as may be under ten years of age, to adjoin the location of the parent. If they reside upon said lands intending to become citizens of the states for five years after the ratification of this treaty, in that case, a grant in fee simple shall issue; said reservation shall include the present improvement of the head of the family, or a portion of it. Persons who claim under this article shall not lose the privilege of a Choctaw citizen but if they ever remove are not entitled to any portion of the Choctaw annuity."

- Q Do you think you understand this fourteenth article? A Understand the article?
- Q Yes sir, I have just quoted to you the fourteenth article of the treaty of Dancing Rabbit Creek; do you think you understand it? A Yes sir.
- Q Did any of your Choctaw ancestors comply or attempt to comply with the provisions of this fourteenth article of the treaty of Dancing Rabbit Creek? A Well, I don't know myself.
- Q You don't know you say? A No sir, I don't know whether they did or not; only by hearsay you know.
- Q What did you ever hear about it? A I heard my grandfather lived there in Mississippi.
- Q That was your father's father? A My great-great-grandfather; that was my father's grandfather.
- Q Your father's grandfather? A Yes sir.
- Q Well now what else did you ever hear about this matter?
- A Well, he was knocked out of his rights there by some means in Mississippi.
- Q What was his name? A Johnnie Harper.
- Q When did he live in the state of Mississippi? A I don't know when he lived; couldn't say when he lived there.

#3.

- Q Were any of your Choctaw ancestors living in the old Choctaw Nation in Mississippi and Alabama in the year 1830 when this treaty of Dancing Rabbit Creek was made; now that was since the birth of your father? A I couldn't say you know.
- Q Well your father never lived there? A No sir, my father didn't.
- Q Were any of your Choctaw ancestors recognized members of the Choctaw tribe of Indians in the year 1830? A I don't know whether they was or not.
- Q Did any of them own improvements at that time upon what constituted the old Choctaw Nation in Mississippi and Alabama?
- A Said to own it—great-great-grandfather.
- Q Do you mean your grandfather Johnnie Harper? A Great-great-grandfather Johnnie Harper.
- Q I understood you to testify a while ago that he was your father's grandfather? A He was his great-grandfather.
- Q Well you don't know whether he owned an improvement there in the old Choctaw Nation in 1830 since your father's birth? A I don't know it, no sir.
- Q Did any of your Choctaw ancestors remove to the present Choctaw Nation, Indian Territory, at the time of the removal of the greater portion of the Choctaw Indians between the years 1833 and 1838? A No sir, I don't know.
- Q Did any of your Choctaw ancestors ever live in the Choctaw Nation, Indian Territory? A No sir, I don't know that.
- Q You never heard of any of them having lived there did you?
- A No sir.
- Q Did any of your Choctaw ancestors within six months from the ratification of the treaty of Dancing Rabbit Creek signify to the Agent of the government in Mississippi at that time, their intention to remain in Mississippi and become citizens of the states as provided in the fourteenth article of the treaty of Dancing Rabbit Creek? A No sir, I don't know.
- Q Did any of your Choctaw ancestors ever claim or receive any land in Mississippi from the government under the provisions of the fourteenth article of the treaty of Dancing Rabbit Creek?
- A As I stated my parents said that my great-great-grandfather you know claimed a home there.
- Q Did he ever claim or receive any land, he or any other of your Choctaw ancestors ever receive any land under this fourteenth article of the treaty of Dancing Rabbit Creek? A I don't know.

In accordance with the provisions of article fourteen of the treaty of Dancing Rabbit Creek, the government of the United States directed an Agent in the state of Mississippi to register the names of those Choctaws who might desire to remain there and become citizens of the states. The records of the government show that this Agent failed to register and report to the government the names of many Choctaws who did in fact signify to him their intention of remaining and becoming citizens of the states and taking advantage of the provisions of article fourteen of the treaty of Dancing Rabbit Creek. On this account, in many instances, land on which Indians had improvements and which they desired to have

#6.

reserved for them under the fourteenth article of the treaty, was sold by the government at its public land sales and the Choctaws deprived of their land. This action of the government caused complaints among the Indians and the matter was finally brought to the attention of Congress, and Congress passed an act which was approved on the 3rd day of March, 1837, providing for the appointment of a Commission whose duty it should be to go to the state of Mississippi and hear evidence in cases where Choctaws might claim that they had complied with the provisions of article fourteen of the treaty of Dancing Rabbit Creek, but that they had never received land thereunder. By an act approved on the 22nd day of February, 1838, this Commission was continued until the first day of August, 1838. This Commission was duly appointed by the President, and the Commissioners went down to Mississippi and heard a few of these Choctaw cases, but in the time allowed them by the acts of Congress under which they were appointed, they were unable to hear but a comparatively small number of these cases. Prior to the first day of August, 1838, this Commission made its report of the work done there in Mississippi under the act of Congress under which they were appointed. Later, by an act of Congress approved August 23, 1842, another Commission was appointed to go down there and finish up the hearing of these cases. This second Commission was duly appointed by the President, and the Commissioners proceeded down to Mississippi and heard more of these Choctaw cases.

Q Did any of your Choctaw ancestors appear before either of these Commissions and attempt to establish their rights under the fourteenth article of the treaty of Dancing Rabbit Creek?

A I don't know.

The act of Congress approved August 23, 1842 provided: That in case it should be finally decided that a Choctaw had complied in all respects with the provisions of article fourteen of the treaty of Dancing Rabbit Creek, but that his land had been sold by the government, he should be entitled to select in place of the land so sold by the government, land some place else in Mississippi, Alabama, Louisiana or Arkansas, on vacant government land, and that a certificate to that effect should be issued to him. These certificates were called scrip.

Q Did any of your ancestors ever receive any of this scrip from the government of the United States under this act of Congress?

A I don't know.

Q So far as you know were any of your ancestors ever recognized members of the Choctaw tribe of Indians? A No sir.

Q So far as you know did any of your ancestors ever receive any benefits whatever as Choctaw Indians? A No sir.

Q Have you any witnesses before the Commission to-day who you desire to introduce in support of your application? A No sir.

Q Do you know of any witnesses who would be able to support your testimony as to your ancestors and the amount of Choctaw blood

- possessed by you? A No sir.
- Q Or as to whether any of your ancestors ever complied or attempted to comply with the provisions of the fourteenth article of the treaty of Dancing Rabbit Creek, or received any benefits thereunder? A No sir.
- Q Have you any evidence of any description which you desire to offer at this time in support of your application? A No sir.
- Q Do you know of the existence of any written evidence of any description showing or tending to show that any of your ancestors ever complied or attempted to comply with the provisions of the fourteenth article of the treaty of Dancing Rabbit Creek, or ever received any benefits thereunder? A No sir.
- Q Do you desire time in which to offer written evidence in support of your application at a later date? A Yes sir.

You will be allowed reasonable time in which to offer written evidence in support of this application. The Commission would be glad to have you offer such evidence as you desire to submit, within a period of thirty days from this date, and we urge upon you the importance of submitting this at the earliest possible date. If you see fit to bring any witnesses to testify in your behalf they may appear before us here at Muskegee within a reasonable time and their evidence will be taken.

- Q Is there any further statement you desire to make at this time in support of your application? A No sir.
- Q Have you any brothers living? A Yes sir.
- Q How many? A Have six.
- Q What are their names? A Commence at the oldest?
- Q Yes, oldest first? A Alvin, he's a half brother.
- Q Same father? A Yes sir.
- Q Has he any middle initial? A No sir, I think not.
- Q Has he been before the Commission? A I think he has; I wouldn't be certain whether he has or not.
- Q Next one? A Fielding.
- Q Full brother or half brother? A Full brother.
- Q Has he been before the Commission? A Yes sir.
- Q Next one? A Jeel.
- Q Has he been before the Commission? A Yes sir.
- Q Next one? A Jack Chambers.
- Q Has he been before the Commission? A Yes sir.
- Q Next one? A Sampson.
- Q Has he been before the Commission? A Yes sir.
- Q Next one? A George.
- Q Has he been before the Commission? A I don't think he has.
- Q Next one? A He hasn't been.
- Q That's all? A Yes sir, that's all the boys; I have two sisters.
- Q Are all these brothers except Alvin full brothers? A Yes sir.
- Q Are your sisters full sisters? A Yes sir.
- Q What are their names—married names if they are married?
- Q Nannie McKinnis.
- Q Next one? A Annie Chambers.
- Q Next one? A That's all.
- Q Have you any brothers or sisters dead who left children?

#3.

A No sir.

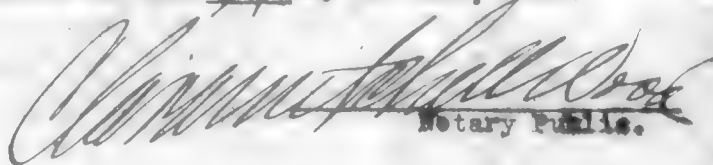
Reference is here made to M C R 5670, Joseph Chambers, for the purpose of consolidation.

Applicant has the appearance of being a white man; shows no indications of being possessed of Indian blood; he has rather dark complexion; gray eyes; black mustache; dark hair; doesn't speak or understand the Choctaw language; he has no knowledge whatever as to the compliance on the part of any of his Choctaw ancestors with the provisions of article fourteen of the treaty of Dancing Rabbit Creek.

Albert G. McMillan, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he reported the proceedings had in the above entitled cause on the 25th day of June, 1902, and that the above and foregoing is a full, true and correct transcript of his stenographic notes taken in said cause on said date.



Subscribed and sworn to before me this 27 day of June, 1902.


Notary Public.

Miss. Choctaw R5846

Muskogee, Indian Territory, June 30, 1902.

Benjamin E. Chambers,

Walker, Indian Territory,

Dear Sir:

Receipt is hereby acknowledged of certified copy of the marriage license and certificate between B. E. Chambers and Miss S.E. Wamond, which is offered in support of your application for the identification of yourself and your minor children as Mississippi Choctaws, and the same has been filed with the record in this case.

Yours truly,

Commissioner in Charge.

M.C.R. 5846
" " " 5852

Muskogee, Indian Territory, October 7, 1903.

Benjamin E. Chambers,
McGee, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of your letter of October 1, asking if you and George W. Chambers have been identified as Mississippi Choctaws.

In reply to your letter, you are informed it appears from our records that Benjamin E. Chambers and George W. Chambers are applicants to this Commission for identification of themselves and their children as Mississippi Choctaws, but no decision has yet been reached or opinion rendered relative to their rights to such identification. As soon as a decision is reached in these cases you will be notified of same by the Commission.

Respectfully,

Chairman.

M C R 88420

Muskogee, Indian Territory, November 4, 1903.

Benjamin E. Chambers,

McGee, Indian Territory.

Dear Sir:

You are hereby notified that you will be allowed thirty days from this date in which to submit further evidence in support of the application of yourself and minor children for identification as Mississippi Choctaws, and at the expiration of said time this Commission will proceed to render its decision therein and no further evidence will then be received or extension of time granted.

Respectfully,

Chairman.

Choctaw 484
K. C. R. 5246

Muskogee, Indian Territory, February 26, 1904.

Benjamin E. Chambers,

McGee, Indian Territory,

Dear Sir:

Receipt is hereby acknowledged of your letter of February 17, in which you state that you have improvements on certain land which has been filed on by Samuel Jefferson, and when you appeared before the Chickasaw Land office for the purpose of filing a contest you were not permitted to do so.

In reply to your letter you are advised that it appears from our records that you are an applicant to the Commission for the identification of yourself and your two minor children as Mississippi Choctaws and your final right to such identification has not yet been decided. As soon as a decision is reached in this case you will be notified of the action of the Commission.

You are further advised that it is not believed that applicants for identification as Mississippi Choctaws whose status is undetermined are entitled in any manner to possessory rights of the tribal property of the Choctaw and Chickasaw Nations nor are they permitted to institute contest proceedings for any of the lands of

B E C 2

said tribes. You would not, therefore, be permitted to initiate contest proceedings for the land referred to in your letter.

Respectfully,

Commissioner in charge.

M C R 5846

Muskogee, Indian Territory, March 18, 1904.

Benjamin E. Chambers,

McGee, Indian Territory.

Dear Sir:

You are hereby advised that on March 4, 1904, the Commission rendered a decision in the consolidated Mississippi Choctaw case of Jasper Chambers, et al., of which the application made by you for the identification as Mississippi Choctaws of yourself and your two minor children, Hiram Luther and Wannie A. E. Chambers, was made a part, refusing said application.

This decision is subject to your inspection, and the record in the case will be retained by the Commission for thirty days from the date of the rendition of the decision. At the expiration of that time the record, together with such argument and brief as may be submitted by the applicants and their attorneys, will be transmitted to the Secretary of the Interior for his consideration.

Respectfully,

Commissioner in Charge.

Registered

M. C. R. 5846.

Muskogee, Indian Territory, June 26, 1905.

Benjamin E. Chambers,

Walker, Indian Territory.

Dear Sir:

You are hereby notified that on the 30th day of March 1905 the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Jasper Chambers, et al., of which decision you were advised by registered mail on the 18th day of March 1904.

Respectfully,

Chairman.

MOR 5846

Muskogee, Indian Territory, December 12, 1905.

Benjamin E. Chambers,
Post Office Box No. 76,
McGee, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of your letter dated November 29, 1905, and addressed to the Chief Clerk, Chickasaw Land Office, Ardmore, Indian Territory. You ask if you can have land set aside for you as your allotment.

In reply you are informed that it appears from the records of this office that on March 30, 1905, the Secretary of the Interior approved the decision of the Commission to the Five Civilized Tribes refusing to identify as Mississippi Choctaws the several persons in the consolidated case of Jasper Chambers, et al., of which your application is a part.

Therefore it is not believed that you are in any manner entitled to possessory rights of the tribal property of the Choctaws and Chickasaws and no reservation can be made to you at this time.

Respectfully,

Acting Commissioner.

For Identification as a Mississippi Choctaw.

Date JUN 20 1902

Name Benjamin E. Chambers

Age 27 Blood 1/8

Post-Office, Walker, Ind. Ter

Father, Jasper Chambers L

Mother, Elizabeth " L

Claims through father
 wife Sallie Chambers L
 no claim for wife.

Claims for self ~~and~~ children

Children:

Hiram Luther 4

Nannie A.E. 2

W. H. McMillan

Choctaw MCR 5847

William Harrell

MCR 5847

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

-----Q-----

In the matter of the application of William Harrell, et al.,
for identification as Mississippi Choctaws, M. C. R. 5847

-----O-----

List of papers forwarded to the Secretary of the Interior,
comprising the record in the case of
William Harrell, et al.

-----O-----

Page.

Original application of William Harrell, et al.,
to the Commission to the Five Civilized Tribes,
for identification as Mississippi Choctaws, 1

Decision of the Commission to the Five Civil-
ized Tribes, refusing the application of
William Harrell, et al., for identification
as Mississippi Choctaws, 10

-----O-----

Department of the Interior.
Commission to the Five Civilized Tribes.
Muskegee, I. T., June 20th, 1902.

#3007.

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In the matter of the application of William Harrell for the identification of himself and his four minor children, Robert A., Burton K., Minnie and Walter Harrell, as Mississippi Choctaws.

No attorney.

William Harrell being first duly sworn testified as follows:

Examination by the Commission:

- Q What is your name? A William Harrell.
Q H a r r e l l? A Yes sir.
Q How much Choctaw blood do you claim to have? A About one-sixteenth.
Q How old are you? A I was born the 17th day of January, '40; make me about fifty-three or four years old.
Q What is your post office address? A Chalusa.
Q In what Nation is that? A Cherokee.
Q How long have you lived in the Cherokee Nation? A I came there in April, '88.
Q You have lived there continuously since that time? A Yes sir.
Q Where were you living before that? A Born and raised in eastern Tennessee; I was twelve years in north Missouri.
Q Immediately before you came to the Cherokee Nation? A Yes sir.
Q Is your father living? A No sir.
Q What was his name? A Readman Harrell.
Q Is your mother living? A No sir.
Q What was her name? A Martha.
Q Through which one of your parents do you derive your Choctaw blood? A My mother.
Q How old would your mother be if she was living now? A She would be about seventy-four.
Q Where was she born? A She was born in Tennessee.
Q Lived there all her life? A Yes sir----I think she was born in North Carolina; she came through Tennessee.
Q Through which one of her parents did she derive her Choctaw blood? A From her mother.
Q What was her mother's name? A Crowder.
Q Her full name? A Sallie Crowder.
Q Was that her maiden name? A Yes sir.

#2.

- Q Where was Sallie born do you know? A No sir, I couldn't tell you; we had a record of it but I don't recollect; it has been a long time.
- Q Do you know where she lived for a period of ten years before your mother was born? A Well sir, I think she lived in North Carolina.
- Q Did you ever hear of her having lived any place except North Carolina? A North Carolina, Tennessee and Georgia; it is Georgia now.
- Q You never heard of your mother or your mother's mother ever having lived in the state of Mississippi? A No sir, not that I know of. I wouldn't say that they did or that they didn't.
- Q What was your mother's maiden name? A Cardwell. My grandmother on my mother's side was said to be part Cherokee and part Cheetaw.
- Q Was your mother ever recognized in any manner or enrolled as a member of the Cheetaw tribe of Indians by the Cheetaw tribal authorities or the United States authorities? A No, not my mother; I don't think she was.
- Q Are you married? A Yes sir.
- Q Is your wife living? A Yes sir.
- Q What is her name? A Sarah Jane.
- Q Has she any Cheetaw blood? A Not that I know of.
- Q You make no claim for her then? A No sir.
- Q Have you been married more than once? A No sir.
- Q Have you any children living? A Yes sir.
- Q How many? A Seven.
- Q Are any of them married? A Yes sir.
- Q Give us the names and ages of your children who are miners and unmarried, the eldest first? A Robert A.
- Q How old? A He's about twenty years old.
- Q Next one? A Burton K.
- Q How old? A Why, he's about eighteen years old.
- Q Next one? A Minnie.
- Q How old is she? A She's fifteen going on sixteen.
- Q Next one? A Walter.
- Q How old is he? A He's thirteen.
- Q Next one? A That's all.
- Q The other three are of age? A Yes sir.
- Q This application then is for yourself and four minor children? A Yes sir.
- Q Were you married to Sarah Jane Harrell under a license? A Yes sir.
- Q Where? A Granger County, Tennessee.
- Q When? A '69 I think it was.
- Q Have you your marriage license and certificate with you at this time? A No sir.

For use in connection with the application you make in behalf of your minor children it will be necessary for you to furnish the Commission with proper evidence of your marriage to Sarah Jane Harrell. This evidence should be furnished within a period of thirty days if possible.

- Q Are these four children for whom you make application all the children of yourself and Sarah Jane Harrell? A Yes sir.

#3.

- Q Is your name or the name of any one of these children for whom you make application to be found upon any of the Choctaw tribal rolls in Indian Territory? A Not that I know of.
- Q Did you or any one for you or for these children ever make application to the Choctaw tribal authorities in Indian Territory, to be enrolled as members of that tribe? A No sir.
- Q Did you or any one for you or any of these children or any one for them, in the year 1896, make application to the Commission to the Five Civilized Tribes for citizenship in the Choctaw Nation under the act of Congress approved June 16, 1896?
- A Not in the Choctaw.
- Q Have you or any of your minor children ever been admitted to citizenship in the Choctaw Nation by the Choctaw tribal authorities, the Commission to the Five Civilized Tribes or the United States Court for the Indian Territory? A No sir.
- Q Have you ever made any application of any description prior to this time for yourself or any of your minor children to either the Choctaw tribal authorities or the United States authorities to be admitted or enrolled as citizens of the Choctaw Nation?
- A No sir.
- Q Do you appear before the Commission at this time for the purpose of claiming rights in the Choctaw lands in Indian Territory, for yourself and four minor children, under the provisions of article fourteen of the treaty of Dancing Rabbit Creek? A Yes sir

This treaty of Dancing Rabbit Creek was entered into in the state of Mississippi on the 27th day of September, 1830, between the government of the United States and the Choctaw tribe of Indians. At the time this treaty was made the Choctaws were living in what constituted the old Choctaw Nation in Mississippi and along the western edge of the state of Alabama. The object of this treaty was to secure the removal of these Indians from the country occupied by them in Mississippi and Alabama to a new country west of the Mississippi river, part of which is now occupied by the main portion of the Choctaw tribe of Indians and is commonly known as the Choctaw Nation, Indian Territory. At the time the treaty was made some of these Indians were unwilling to leave this country--the old Choctaw Nation in Mississippi and Alabama, and for the benefit of those who wanted to stay there what is known as the fourteenth article was put into the treaty. That fourteenth article is as follows:

"Each Choctaw head of a family being desirous to remain and become a citizen of the states shall be permitted to do so, by signifying his intention to the Agent within six months from the ratification of this treaty, and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land, to be bounded by sectional lines of survey; in like manner shall be entitled to one half that quantity for each unmarried child which is living with him over ten years of age; and a quarter section to such child as may be under ten years of age, to adjoin the location of the parent. If they reside upon said lands intending to become citizens of the states for five years after the ratification

of this treaty, in that case, a grant in fee simple shall issue; said reservation shall include the present improvement of the head of the family, or a portion of it. Persons who claim under this article shall not lose the privilege of a Choctaw citizen but if they ever remove are not entitled to any portion of the Choctaw annuity."

- Q Do you think you understand this fourteenth article now?
 A I believe I do.
- Q Did any of your ancestors ever comply or attempt to comply with the provisions of this fourteenth article of the treaty of Dancing Rabbit Creek, or ever receive any benefits thereunder?
 A Not that I know of.
- Q Were any of them living in the old Choctaw Nation in Mississippi or Alabama in the year 1830 when this treaty was made?
 A I think some of the relation were living there, but I couldn't say positive.
- Q What one of your Choctaw ancestors do you think was living in the old Choctaw Nation in Mississippi and Alabama in the year 1830 when this treaty was made? A I think my mother's grandfather was; John Crowder was his name.
- Q Well John Crowder had no Choctaw blood did he? A I always thought he did; I was always taught that.
- Q I thought you said your mother's mother had the Choctaw blood?
 A Her father now----
- Q I asked you through which one of your parents you got your Choctaw blood? A Well, it's my mother on my mother's side; her father was Crowder--John Crowder was my mother's grandfather's name. He was said to be Choctaw, but then you might misunderstand me or I misunderstand the question; it came from my grandmother to me.
- Q You think John Crowder was living in Mississippi in the old Choctaw Nation in 1830? A That's where I think he was; I couldn't say positive for that's so far back I couldn't recall.
- Q Was John Crowder living at the time of your mother's birth?
 A Yes sir.
- Q How long thereafter was it that he died? A I couldn't tell you.
- Q How much Choctaw blood did he have? A He was said to be half; they was claimed to be one-half.
- Q Do you know whether he or any other of your Choctaw ancestors were recognized members of the Choctaw tribe of Indians in 1830 when this treaty was made? A I think he was.
- Q What makes you think so? A That's what my grandmother used to say.
- Q By your grandmother you refer to his daughter? A Yes sir, it's his daughter.
- Q What was her name? A Her name was Hallie Crowder; that was her maiden name.
- Q Did any of your Choctaw ancestors own any improvements in what comprised the old Choctaw Nation in Mississippi and Alabama in the year 1830 when this treaty of Dancing Rabbit Creek was made?
 A Not that I knew of.
- Q Did any of them ever comply or attempt to comply with the provisions of that fourteenth article of the treaty of Dancing Rabbit Creek, or receive any benefits thereunder? A I don't know

- Q You never heard of any of your Choctaw ancestors ever having gotten any land in Mississippi from the government? A No sir.
- Q Did any of them within six months after the treaty of Dancing Rabbit Creek was ratified let the Agent of the government in Mississippi for the Choctaws know that they wanted to stay in Mississippi, become citizens of the states and take land?
- A I don't know.
- Q Did any of them remove to the present Choctaw Nation, Indian Territory, at the time of the removal of the greater portion of the Choctaw tribe of Indians between the years 1833 and 1838?
- A I was taught that they came to the Choctaw Nation; some of them did.
- Q Give us the names of some of them? A John Crowder if I aint mistaken; I was always taught that he came to the Choctaw Nation; I heard my parents talking just like a family will.
- Q How long did he stay here? A I think their people is here yet I met some by that name in there.

In accordance with the provisions of this fourteenth article of the treaty of Dancing Rabbit Creek the government of the United States directed an Agent in the state of Mississippi to register the names of such Choctaws as might desire to remain there and become citizens of the states and take land. The records of the government show that this Agent failed to register and report to the government the names of many Choctaws who did in fact let him know that they wanted to stay there and become citizens of the states and take land, and on that account the government at its public land sales in Mississippi, in many instances, sold land on which the Choctaws lived and had improvements and which they supposed they would receive under the fourteenth article of the treaty. This action on the part of the government caused abgreat deal of complaint among the Choctaws and the matter was finally brought to the attention of Congress, and Congress passed an act which was approved on the 3rd day of March, 1837, providing for the appointment of Commissioners to go into Mississippi and hear evidence in cases of Choctaws who claimed they had complied in all respects with the provisions of article fourteen of the treaty of Dancing Rabbit Creek, but that their land had been sold by the government. These Commissioners were duly appointed by the President of the United States and they proceeded to Mississippi and heard a few of these Choctaw cases. By an act approved the 22nd day of February, 1838, this Commission was continued until the first day of August, 1838. In the time allowed this Commission by the acts of Congress under which they were appointed they were unable to dispose of but a comparatively small number of cases, so another act was passed which was approved on the 23rd day of August, 1842, providing for the appointment of another Commission whose duty it should be to go to Mississippi and hear more of these cases. These Commissioners were appointed by the President of the United States and they proceeded to the state of Mississippi and heard evidence in a great many of these Choctaw cases.

- Q Did any of your ancestors appear before any of these Commissions

and attempt to establish their rights under the fourteenth article of the treaty of Dancing Rabbit Creek? A I don't know whether they did or not; I couldn't say.

The act of Congress approved on the 23rd day of August 1842, provided: That in case it should be finally decided that a Choctaw had complied in all respects with the provisions of this fourteenth article of the treaty of Dancing Rabbit Creek but that his land had been sold by the government, he should be entitled to select in place of the land so sold by the government, land some place else in Mississippi, Alabama, Louisiana or Arkansas, from vacant government land, and should be given a certificate to that effect. These certificates were called scrip.

- Q Did any of your Choctaw ancestors ever get any of this scrip from the government of the United States under this act of Congress? A I don't know; my grandmother-----
- Q So far as you know were any of your ancestors ever recognized members of the Choctaw tribe of Indians? A No.
- Q Did any of them ever receive any benefits as such? A Not as I know of.
- Q You were never enrolled as a Choctaw citizen by the Choctaw tribal authorities and never recognized in any manner or received any benefits? A No sir.
- Q Have you any witnesses before the Commission to-day whose testimony you desire to have taken in support of your application? A No sir.
- Q Do you know of any witnesses who would be able to support your testimony as to your ancestors and the amount of Choctaw blood possessed by you, or as to whether any of your ancestors ever complied or attempted to comply with the provisions of article fourteen of the treaty of Dancing Rabbit Creek or ever received any benefits thereunder? A Yes sir.
- Q You know of witnesses? A I think I do.
- Q What are the names of those witnesses? A Well, I have got my affidavit-----
- Q I asked you what are the names of the witnesses? A My mother was one of them, and my uncle-----
- Q Give us the names of those witnesses? A Peter Cardwell.
- Q Where does he live? A He lives in Union County, Tennessee I think.
- Q Well, give us another one? A Man I think his name is Sam Hopejoy.
- Q Where does he live? A Lives in Granger County, Tennessee.
- Q Any others? A Man by the name of Peter Sharp.
- Q Where? A Granger County, Tennessee.
- Q Is that all? A All I recall now.
- Q Do you think any of these three witnesses would know whether any of your Choctaw ancestors ever complied or attempted to comply with the provisions of article fourteen of the treaty of Dancing Rabbit Creek or received any benefits thereunder? A I don't know.
- Q How old are they? A Sam is between sixty-five and seventy-five years old.

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- Q Have you any written evidence of any kind that you desire to offer at this time in support of your application? A No sir.
- Q Do you know of the existence of any written evidence of any description which would prove or tend to prove that any of your ancestors ever complied or attempted to comply with the provisions of article fourteen of the treaty of Dancing Rabbit Creek or ever received any benefits thereunder? A Yes sir, believe I do.
- Q What is the nature of that written evidence? A Affidavits.
- Q Where are they? A I have got them at home.
- Q Do you desire to offer them in evidence in support of your application? A Yes sir.

You will be allowed reasonable time in which to offer written evidence in support of this application. You should offer it, however, within thirty days of this date if possible. If you should find any witnesses whose testimony you desire to have taken before the Commission they may appear before us here at Muskogee within a reasonable time and their testimony will be taken.

- Q Is there any further statement that you desire to make at this time in support of your application? A NO, I don't know that there is.
- Q What are the names of your children who are of age? A James is the eldest one.
- Q James Harrell? A Yes sir.
- Q Next one? A Isaac A.
- Q Next one? A Lula.
- Q Married? A Yes sir, she's married.
- Q Lula what? A Rippeteo.
- Q Is that all? A That's all.
- Q Have either of these children been before the Commission? A No sir.
- Q Have you any children deceased who left children? A No sir.
- Q Have you any brothers living? A No sir.
- Q Did you ever have any brothers? A No sir.
- Q Did you ever have any sisters? A Yes sir.
- Q How many? A Seven.
- Q Are any of them living? A Yes sir.
- Q How many of them are living? A There's four of them living I think.
- Q What are the names of those that are living; their married names now? What is the name of the eldest? A Malinda.
- Q Malinda what? A Malinda Kingsoliver.
- Q Next one? A Lutitia Jones.
- Q Next one? A Sophia.
- Q Sophia what? A She married a man by the name of Biddies.
- Q The next one? A Hannie.
- Q Hannie what? A Epperson.
- Q That's all of your sisters who are living? A Yes sir.
- Q Have any of them been before this Commission? A Not that I know of.
- Q Did any of your deceased sisters leave children? A Yes sir.
- Q How many of them left children? A All of them.

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- Q What is the name of the eldest one that left children?
A Sallie.
Q Sallie what? A Asuff.
Q How many children did Sallie leave? A Left seven I think.
Q Are they living? A Part of them.
Q Has any application ever been made to this Commission in their behalf? A No sir, I think not.
Q Give us the names of these children that are living? A William is the oldest.
Q Next one? A Prior.
Q Next one? A Louisa I believe.
Q Is she married? A No sir.
Q Next one? A I don't remember any more of them.
Q What is the name of the next one of your deceased sisters who left children? A Louisa Odell.
Q Are any of her children living now? A Yes sir, one.
Q What is the name of that child? A Rufus Odell.
Q What is the name of your other deceased sister? A Mary.
Q Mary what? A Mary Jennings.
Q How many of her children are living at this time? A I could not tell you.
Q Give us the names of such children as you remember? A There's William.
Q Next one? A Prior.
Q Next one? A Gus I think.
Q Do you remember any of the rest of them? A No sir, I have been away from them twenty years.
Q Did your mother ever have any brothers or sisters? A Yes sir.
Q Any of them living? A Yes sir, I think so.
Q Give us the names of such of her brothers and sisters as are living? A Matilda.
Q Matilda what? A Matilda Cardwell. She never was married.
Q Next one? A Peter Crowder.
Q Give us the next one? A That's all I can think of.
Q Did your mother ever have any brothers or sisters who are dead? A There one more alive--James.
Q Has James ever been before the Commission to your knowledge?
A No sir.
Q Or Peter? A No sir.
Q Or either living sister? A No sir, not that I know of.
Q Have any of the descendants of any of your mother's brothers or sisters ever appeared before this Commission? A No sir, I think not.

The applicant has the appearance of being a white man; shows no indications of being possessed of Indian blood; his complexion and hair is inclined to be light; dark eyes; doesn't speak or understand the Choctaw language and has no knowledge of the compliance on the part of his ancestors with the provisions of article fourteen of the treaty of Dancing Rabbit Creek.

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Albert G. McMillan, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he reported the proceedings had in the above entitled cause on the 20th day of June, 1902, and that the above and foregoing is a full, true and correct transcript of his stenographic notes taken in said cause on said date.

Albert G. McMillan

Subscribed and sworn to before me this 27 day of June, 1902.

Charles Mitchell Wood
Notary Public.

Rev.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

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In the matter of the application of William Harrell, et al.,
for identification as Mississippi Choctaws, W.O.R. 5847.

--: D E C I S I O N :--

It appears from the record herein that application for
identification as Mississippi Choctaws was made to this Commission
by William Harrell for himself and his four minor children, Robert
A., Burton K., Minnie and Walter Harrell, under the following pre-
vision of the act of Congress approved June 28, 1898, (30 Stats.,
495):

"Said Commission shall have authority to determine the
identity of Choctaw Indians claiming rights in the Choctaw
lands under article fourteen of the treaty between the United
States and the Choctaw Nation, concluded September twenty-
seventh, eighteen hundred and thirty, and to that end may ad-
minister oaths, examine witnesses and perform all other acts
necessary thereto and make report to the Secretary of the
Interior."

It also appears that all of said applicants claim rights in
the Choctaw lands under article fourteen of the treaty between the
United States and the Choctaw Nation, concluded September twenty-

seventh, eighteen hundred and thirty, by reason of being descendants of John Crowder, who is alleged to have been an one-half blood Choctaw Indian.

It further appears from the evidence submitted in support of said application, and from the records in the possession of the Commission, that none of said applicants has ever been enrolled by the Choctaw tribal authorities as a member of the Choctaw tribe, or admitted to Choctaw citizenship by a duly constituted court or committee of the Choctaw Nation, or by the Commission to the Five Civilized Tribes, or by a decree of the United States Court in Indian Territory, under the provisions of the act of Congress approved June 10, 1896, (29 Stats., 321).

It does not appear from the testimony and evidence submitted in support of said application, or from the records in the possession of the Commission relating to persons who complied or attempted to comply with the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and to persons who heretofore were claimants thereunder, that the said John Crowder, or ancestors less remote, signified (in person or by proxy) to Colonel Wm. Ward, Indian Agent, Choctaw Agency, an intention to comply with the provisions of said article fourteen, or presented a claim to rights thereunder to either of the commissions authorized to adjudicate such claims by the acts of Congress approved March 3, 1837, (5 Stats., 180) and August 23, 1842 (5 Stats., 513).

It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of William Harrell, Robert A. Harrell, Burton K. Harrell, Minnie

Harrell and Walter Harrell as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the applications for their identification as such should be refused, and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES,

SIGNED

Tamo Dixie

Acting Chairman.

T. B. Nease

Commissioner.

J. D. Breckinridge

Commissioner.

Muskogee, Indian Territory,

JAN 2 1903

COMMISSIONERS
HENRY L. DAWES
TAMM BIXBY
THOMAS B. NEELEY
C. R. BRECKINRIDGE

ALLISON L. AYERSWORTH
SECRETARY

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES

RECEIVED IN REPLY TO THE FOLLOWING

Muskogee, Indian Territory, July 19, 1902.

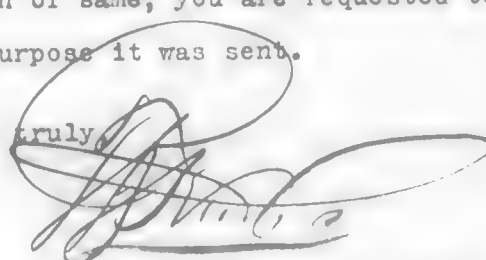
William Harrell,
Catole, Indian Territory,

Dear Sir:

The Commission is in receipt of your letter of July 15,
enclosing certificate showing your marriage to Sarah J. Condry.

No record can be found of any application made by you to this
Commission for enrollment as a citizen of the Cherokee Nation under
the name of William Harrell. The certificate which you send is here-
with enclosed you and with return of same, you are requested to
advise the Commission for what purpose it was sent.

Yours truly,



Commissioner in Charge.

Encl. B-165.

Muskogee, Indian Territory, July 30, 1902.

D. G. Elliott,
Attorney at law,
Chelsia, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of your letter of the 26th inst., enclosing letter of the Commission of the 19th inst., to William Harrell, Catale, Indian Territory, advising him that there was no record of an application made by him for the enrollment of himself as a citizen of the Cherokee Nation and returning a certificate of marriage, offered by him for filing. You return the certificate of marriage, which is between W. O. B. Harrell and Sarah J. Coudry, and asked that same be filed in support of the application of William Harrell for identification as a Mississippi Choctaw.

It appears from our records that William Harrell, giving the name of his wife as Sarah J. Harrell is an applicant to this Commission for the identification of himself and minor children as Mississippi Choctaws.

Before the certificate can be filed in support of this case an explanation is requested of the discrepancy in the names as given by Mr. Harrell at the time he made his application and the name shown in the marriage certificate.

-8-

D O E

The document will be held pending explanation.

Yours truly,

Acting Chairman

COPY

Muskegee, Indian Territory, January 2, 1903.

William Harrell,

Chelsea, Indian Territory.

Dear Sir:

You are hereby advised that on the 2nd day of January, 1903, the Commission to the Five Civilized Tribes rendered a decision in the case of William Harrell, et al., applicants for identification as Mississippi Choctaws.

This application was made under the provision of the act of Congress of June 28, 1898 (30 Stats., 495) which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto and make report to the Secretary of the Interior."

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of William Harrell, Robert A. Harrell, Burton E. Harrell, Minnie Harrell and Walter Harrell as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the applications for their identification as such should be refused, and it is so ordered."

You are further advised that you will be allowed fifteen days from the date hereof within which to file arguments in this

---2---

office, and that at the expiration of said time the papers in the case together with such arguments will be forwarded to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

WRIGHT

Tame Lin
Acting Chairman.

Registered.

Muskegee, Indian Territory, January 8, 1903.

Mansfield, McMurray & Cernish,

Attorneys for the Choctaw and Chickasaw Nations,

South McAlester, Indian Territory,

Gentlemen:

You are hereby advised that on the 2nd day of January, 1903, the Commission to the Five Civilized Tribes rendered a decision in the case of William Harrell, et al., applicants for identification as Mississippi Choctaws.

This application was made under the provision of the act of Congress of June 28, 1896 (30 Stats., 495).

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of William Harrell, Robert A. Harrell, Burton K. Harrell, Minnie Harrell and Walter Harrell as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the applications for their identification as such should be refused, and it is so ordered."

You are further advised that the applicants in this case have been allowed fifteen days from the date hereof within which to file arguments in this office and that at the expiration of said time the papers in the case together with such arguments will be forwarded to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

Tame Dixie
Acting Chairman.

Muskogee, Indian Territory, January 19, 1903.

The Honorable,

The Secretary of the Interior.

Sir:

There is transmitted herewith the record in the case of William Harrell, et al., applicants to the Commission for identification as Mississippi Choctaws, including the decision of the Commission of January 2, 1903.

The Commission has the honor to report that the principal applicant herein and the attorneys for the Choctaw and Chickasaw Nations have been duly advised by letter of the action of the Commission, copies of said letters being attached to the record.

Respectfully,

[Signature]
Commissioner in Charge

Through the

Commissioner of Indian Affairs.

Enc. M.C.R. 5847.

Land
5073--1903

(Copy)

DEPARTMENT OF THE INTERIOR,
Office of Indian Affairs.

WASHINGTON, March 6, 1903.

The Honorable,

The Secretary of the Interior.

Sir:

I have the honor to transmit herewith record of the Commission to the Five Civilized Tribes in the matter of the application for identification as Mississippi Choctaws of William Harrell, for himself and his four children, Robert A., Burton K., Minnie and Walter Harrell, wherein a decision adverse to the applicants was rendered by the Commission on January 2, 1902.

The office has examined the evidence in this case and it is found that the claim to identification is based on the descent of the applicants from one John Crowder and Sallie Crowder, his daughter, who, it is alleged, were citizens of the Choctaw Nation and resided in Alabama or Mississippi in 1830.

The Commission states, in its decision rejecting these applicants, that its records fail to show that John Crowder or ancestors less remote, ever complied or attempted to comply with the provisions of the 14th article of the Choctaw treaty of 1830.

The records of this office have been examined with reference to the names of John Crowder and Sallie Crowder and they are not

-2-

found included in the list of those persons who complied or attempted to comply with the provisions of the 14th article of the Choctaw treaty of 1830, and I have therefore, to recommend that the decision of the Commission rejecting these applicants be approved.

Very respectfully,

A. C. TONNER,

Acting Commissioner.

E.B.H. H'r.

D.C. 8580-1903.
ITD. 2632-1903
LRS.

(Copy)

EAF.

DEPARTMENT OF THE INTERIOR.

WASHINGTON, March 25, 1903.

Commission to the Five Civilized Tribes,

Muskogee, I. T.

Gentlemen:

January 19, 1903, you transmitted the record in the matter of the application for identification as Mississippi Choctaws, of William Harrell and his minor children, Robert A., Burton K., Minnie and Walter Harrell, including your decision of January 2, 1903, refusing the application.

The applicants claim to be descendants of John Crowder, alleged to have been a half blood Choctaw Indian, and his daughter, Sallie Crowder.

The records fail to show that the applicants were ever admitted or enrolled as citizens of the Choctaw Nation, or that either of their alleged ancestors complied or attempted to comply with article 14 of the treaty of September 27, 1830, or with either of the acts of March 3, 1837 (5 Stat., 180) and August 23, 1842 (5 Stat., 513).

The Acting Commissioner of Indian Affairs reporting March 6, 1903, recommends approval of your decision. A copy of his letter is inclosed.

-2-

The Department has reviewed the whole record and finds your decision correct. It is accordingly affirmed.

Respectfully,

THOS. RYAN,

Acting Secretary.

1 inclosure.

M.C.R. 5847

COPY.

Muskogee, Indian Territory, April 2, 1903.

William Harrell,

Chelsea, Indian Territory.

Dear Sir:

You are hereby notified that on the 23th day of March, 1903, the Secretary of the Interior affirmed the decision of this Commission refusing the application for identification as Mississippi Choctaws, of the several persons included in the case of William Harrell, et al., of which decision you were advised by registered mail on the 2nd day of January, 1903.

Respectfully,

(SIGNED)

Tams Pirby.

Chairman.

M.C.R. 5847

COPY.

Muskogee, Indian Territory, April 2, 1903.

Mansfield, McMurray & Cornish,

Attorneys for the Choctaw and Chickasaw Nations,

South McAlester, Indian Territory.

Gentlemen:

You are hereby notified that on the 25th day of March, 1903, the Secretary of the Interior affirmed the decision of this Commission, refusing the application for identification as Mississippi Choctaws, of the several persons included in the case of William Barrell, et al., of which decision you were advised by mail on the 2nd day of January, 1903.

Respectfully,

(SIGNED)

Tams Dickey

Chairman.

Encl B-165

Certificate of Marriage

H. C. De Haven

Sarah J. Country

I, H. F. Long Clerk of the County Court
of Shaver's County, Tex. do hereby
certify, that it appears of record in
my office, that marriage licenses
were regularly issued, on the 2nd
day of April 1869 to H. O. P. Marshall
and Sarah J. Conday, and that the
rites of matrimony were duly solemn-
ized between them, as authorized by
J. H. Harris Justice of the Peace for
said County of Shaver on the 4th
day of April 1869.

Given under my hand and seal of
said Court this 5th day of July 1902.
H. F. Long Clerk

No 5817

For Identification as a Mississippi Choctaw.

Date Jan 20 1912

Name William Harrell

Age 54 Blood 1/16

Post-Office, Chelsea, I. T.

Father Roadman Harrell d

Mother Martha " d

Claims through mother

wife Sarah Jane Harrell L
no claim for wife

For eligible

Children:

Robert A.	20
Burton K.	18
Minnie	15
Walter	13

Stenographer

A. G. W. Miller

Choctaw MCR 5848

James C. Rogers

See MCR 5980, 5981, 5970, 5973
5974, 5976, 5977, 5978, 5979
6078

MCR 5848

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

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In the matter of the application of James C. Rogers, et al.,
for identification as Mississippi Choctaws, consolidating the
applications of:

James C. Rogers,	M. C. R. 5848
Mary L. Jordan, et al.,	M. C. R. 5980
James W. Jordan,	M. C. R. 5981
Columbus A. Rogers, et al.,	M. C. R. 5970
Thomas P. Rogers, et al.,	M. C. R. 5973
John H. Rogers, et al.,	M. C. R. 5974
Edgar E. Rogers, et al.,	M. C. R. 5976
Maggie L. Hawkins, et al.,	M. C. R. 6078
Charles B. Rogers, et al.,	M. C. R. 5977
Samuel M. Rogers, et al.,	M. C. R. 5978
Bertie M. Rogers,	M. C. R. 5979

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List of papers forwarded to the Secretary of the Interior,
comprising the record in the consolidated case
of James C. Rogers, et al.

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Department of the Interior.
Commission to the Five Civilized Tribes.
 Muskogee, I. T., June 20th, 1902.

#0042

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In the matter of the application of James C. Rogers for the identification of himself as a Mississippi Choctaw.

W. H. Harrison (of Thomas & Harrison) attorney for applicant.

James C. Rogers being first duly sworn testified as follows:

Examination by the Commission:

- Q What is your name? A James C. Rogers.
Q How old are you Mr. Rogers? A I was sixty-six years old last September.
Q How much Choctaw blood do you claim to have? A One-sixteenth.
Q What is your post office address? A Toss, Washita County, Oklahoma territory.
Q How long have you lived in Oklahoma? A I have been here five years.
Q Where did you live immediately prior to your removal to Oklahoma? A I moved from the Choctaw Nation; lived there two years.
Q Where did you live before that? A I am a native born Tennes.
Q You lived in Tennes all your life prior to your removal to the Choctaw Nation? A Until I came here.
Q Were you ever recognized in any manner or enrolled as a member of the Choctaw tribe of Indians in Indian Territory by the Choctaw tribal authorities or the United States authorities?
A Not that I know of.
Q Is your father living? A No sir.
Q What was his name? A His name was Samuel Rogers.
Q Is your mother living? A No sir.
Q What was her name? A Her name was Eliza; her maiden name was Sparks.
Q Through which one of your parents do you derive your Choctaw blood? A Through her.
Q Mother? A Yes sir.
Q Where was she born? A In Mississippi.
Q What County? A I couldn't tell you. When they moved from Mississippi they came from Honey Island, when they moved to Tennes.
Q And in what part of the state of Mississippi is Honey Island?
A I couldn't tell you. I have never been there.

#2.

- Q In what year did your mother remove from Mississippi to Texas?
A 1834; I was born inn'38.
- Q Had she lived in the state of Mississippi all her life until that time? A That's my understanding; I don't know. She was born there, however, and married there; my father and mother married there.
- Q In what year was your mother born? A I couldn't tell you that; I don't know.
- Q Were you her eldest child? A Yes sir, she died though when I was small.
- Q About how old was she when you were born? A She was about seventeen or eighteen.
- Q Through which one of her parents did she derive her Choctaw blood? A Her father.
- Q What was his name? A Richard Sparks.
- Q How much Choctaw blood do you claim Richard Sparks had? A He had one quarter.
- Q Where was he born? A I couldn't tell you that. He was an old resident of Mississippi.
- Q Do you know where he lived prior to his removal to Mississippi? A No sir, I think he was a native of Mississippi.
- Q What was your mother's mother's name? A Her name was Elizabeth; but I don't remember her maiden name.
- Q She was a white woman? A Yes sir.
- Q Do you know whether Richard Sparks and Elizabeth were lawfully married? A Well, they were recognized in the courts of the land of Texas that way.
- Q How long did they live together as husband and wife? A He was killed in '36 by the Mexicans.
- Q That doesn't answer my question? A I don't know how long they were married?
- Q How many children were born to them? A I couldn't tell you.
- Q How many there was? A Well, I can give you---
Q I don't care for the names, just tell me how many they had?
A Eight children I believe, to the best of my recollection now; sure been that many, but then they---part of them born in Texas.
- Q Well was Richard Sparks ever a resident of the Choctaw Nation, Indian Territory? A I don't know.
- Q Was your mother ever a resident of the Choctaw Nation, Indian Territory? A I don't know that.
- Q You never heard of either of them having lived there? A No sir, I have just been taught that they had Indian blood.
- Q So far as you know was Richard Sparks ever a recognized or enrolled member of the Choctaw tribe of Indians? A I don't know.
- Q Was your mother ever recognized in any manner or enrolled as a member of the Choctaw tribe of Indians? A I don't know that either.
- Q You never have been? A No sir.
- Q Are you married? A Yes sir.
- Q Is your wife living? A Yes sir.
- Q What is her name? A Her name is Nancy Eliza.
- Q Has she any Choctaw blood? A Not that I know of.
- Q You make no claim for her? A No sir.

#3.

- Q Have you any children living? A Yes sir, got ten.
Q Are any of them under age? A No sir, well one of them is under age but he's married.
Q This application then is for yourself alone is that right?
A Yes sir.
Q Were you married to Nancy Eliza under a license? A Yes sir.
Q Where? A Brath County, Texas, in the town of Stephenville, in 1857.
Q Have you that marriage license with you? A No sir.
Q It is in existence is it? A Yes sir, I reckon, unless the records has been burnt.
Q Who married you? A James T. Duly.
Q James T. Duly, a Justice of the Peace? A Yes sir.

It will be necessary in case any of your children should make application to this Commission for identification as Mississippi Choctaws, that the marriage of yourself and Nancy Eliza Rogers should be proven.

- Q Have any of your children been before the Commission? A No sir, not that I know of.
Q What are the names of your children; eldest one first?
A Oldest one is a daughter and she's married; her name is Sarah Brock.
Q Next one? A Her name is Mary Louisa Jordan; and the other one is a boy--Columbus A. Rogers.
Q Next? A Thomas P. Rogers.
Q Next? A John H.
Q Next? A Edgar E.
Q Next one? A And the next one is a daughter; comes between them two.
Q What is her name? A Maggie L. Hawkins.
Q Next one? A Charles E. Rogers.
Q Next one? A Samuel H. Rogers.
Q Is that all? A Bert M. Rogers.
Q Have you any children dead who left children? A No sir.
Q You appear before the Commission at this time for the purpose of claiming rights in the Choctaw lands in Indian Territory, under the provisions of the fourteenth article of the treaty of Dancing Rabbit Creek, do you? A Yes sir.
Q And this application is for yourself only? A That's all.
Q Did you or any one for you ever make application to the Choctaw tribal authorities in Indian Territory, to be admitted or enrolled as a member of that tribe? A No sir.
Q Did you or any one for you in the year 1896 make application to the Commission to the Five Civilized Tribes for citizenship in the Choctaw Nation under the act of Congress approved June 18, 1896? A No sir.
Q Have you ever been admitted to citizenship in the Choctaw Nation by the Choctaw tribal authorities, the Commission to the Five Civilized Tribes or the United States Court for the Indian Territory? A No sir.
Q You never then have been recognized in any manner as a citizen of the Choctaw Nation? A No sir.
Q Have you ever made any application of any description before

#4.

to-day to either the tribal authorities or the United States authorities for the purpose of establishing your rights as a Choctaw Indian? A No sir.

The treaty of Dancing Rabbit Creek was entered into in the state of Mississippi on the 27th day of September, 1830, between the government of the United States and the Choctaw tribe of Indians. At the time this treaty was made the Choctaws lived in what was known as the old Choctaw Nation, comprising a part of the state of Mississippi and a small portion of the state of Alabama right along the western boundary line of that state. The object of the treaty was to get these Indians to move from the country occupied by them there in Mississippi and Alabama to the new country west of the Mississippi river, part of which is now occupied by the greater portion of the Choctaw tribe of Indians and is commonly known as the Choctaw Nation, Indian Territory. At the time the treaty was made some of the Indians were unwilling to leave the old Choctaw Nation and go to this new country, and for the benefit of those who preferred to stay there in Mississippi and not move out to the new country, article fourteen was put into the treaty. That fourteenth article provided that upon certain conditions Choctaws who preferred to stay there in Mississippi and not move out to the new country, might receive land from the government. It reads as follows:

"Each Choctaw head of a family being desirous to remain and become a citizen of the states shall be permitted to do so, by signifying his intention to the Agent within six months from the ratification of this treaty, and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land, to be bounded by sectional lines of survey; in like manner shall be entitled to one half that quantity for each unmarried child which is living with him over ten years of age; and a quarter section to such child as may be under ten years of age, to adjoin the location of the parent. If they reside upon said lands intending to become citizens of the states for five years after the ratification of this treaty, in that case, a grant in fee simple shall issue; said reservation shall include the present improvement of the head of the family, or a portion of it. Persons who claim under this article shall not lose the privilege of a Choctaw citizen but if they ever remove are not entitled to any portion of the Choctaw annuity."

Q You understand that fourteenth article do you?

A Yes; say that last part again.

"Persons who claim under this article shall not lose the privilege of a Choctaw citizen but if they ever remove are not entitled to any portion of the Choctaw annuity."

Q You understand this fourteenth article do you? A I think I do.

78.

- Q Did any of your Choctaw ancestors live in the old Choctaw Nation in Mississippi and Alabama in the year 1830 when this treaty was made? A I don't know myself.
- Q Did any of them own an improvement there at that time to your knowledge? A I couldn't say.
- Q Did any of them remove to the present Choctaw Nation, Indian Territory, at the time of the removal of the greater portion of the Choctaw tribe of Indians between the years 1833 and 1838?
- A I don't know that.
- Q Did any of them within six months after the treaty of Dancing Rabbit Creek was ratified, let the Agent of the government in Mississippi know that they wanted to stay there and become citizens of the state and take land? A I don't know.
- Q Did any of your Choctaw ancestors, then, ever comply or attempt to comply with the provisions of this fourteenth article of the treaty of Dancing Rabbit Creek; you never heard of it?
- A No sir, I don't know.
- Q You never heard of any of your ancestors ever having gotten any land in Mississippi from the government? A No sir.
- Q Did you ever hear of any of them ever receiving any benefits then as Choctaw Indians? A No sir.

In accordance with the provisions of this fourteenth article of the treaty of Dancing Rabbit Creek the government of the United States directed an Agent in Mississippi to register the names of such Choctaws as might desire to remain there and become citizens of the states and take land under this fourteenth article. The records of the government show that this Agent failed to register and report to the government the names of many Indians who did in fact let him know that they wanted to stay in Mississippi, become citizens of the states and take land, and on this account the government at its public land sales in Mississippi, in many instances, sold land on which Choctaws lived and had improvements and which they supposed they would receive under the fourteenth article of the treaty. This caused a great deal of complaint among the Indians and the matter was finally brought to the attention of Congress and Congress passed certain acts in the years 1837 and 1838 and 1842 providing for the appointment of Commissioners to go down to Mississippi and hear cases of Choctaws who claimed that they had complied in all respects with the provisions of the fourteenth article of the treaty of Dancing Rabbit Creek but that they had been deprived of their land. Commissioners were appointed under these acts of Congress by the President of the United States and they proceeded to Mississippi and heard a great many of these Choctaw cases.

- Q Did any of your ancestors appear before any of these Commissions and attempt to establish their rights under the provisions of article fourteen of the treaty of Dancing Rabbit Creek?
- A I don't know sir.

The act of Congress approved August 23, 1842, providing for the appointments of Commissioners to go down in Mississippi and hear these Choctaw cases, also provided that in case

it should be finally decided that a Choctaw had complied in all respects with the provisions of that fourteenth article of the treaty of Dancing Rabbit Creek but that his land had been sold by the government, he should be entitled to select in place of the land so sold by the government, land some place else in Mississippi, Alabama, or Louisiana or Arkansas, from vacant government land, and that he should be given a certificate to that effect. These certificates were called scrip.

- Q Did any of your Choctaw ancestors receive any of this scrip from the government of the United States under this act of Congress?
 A I don't know.
 Q You never heard of that? A No sir. My grandfather was killed when I was only a year old.
 Q If any of your Choctaw ancestors ever complied or attempted to comply with the provisions of the fourteenth article of the treaty of Dancing Rabbit Creek, or any of them ever received any benefits whatever as Choctaw Indians, that fact has never come to your knowledge? A No sir.
 Q Have you any witnesses before the Commission to-day whose testimony you desire to have taken in support of your application?
 A No sir.
 Q Do you know of any witnesses living who would be able to support your testimony as to the amount of Choctaw blood possessed by you, your ancestry, and who might know as to whether any of your ancestors ever complied or attempted to comply with the provisions of article fourteen of the treaty of Dancing Rabbit Creek, or ever received any benefits thereunder? A I don't know whether my oldest uncle is living or not; that would be the only----he's the only one that is living if he's living to-day, that knows anything about it.
 Q What is his name? A William F. Sparks; he's the oldest boy of grandfather Sparks.
 Q Where is he living? A He was living in Texas. He was not at the last reunion and failed to meet when we met at Vicksburg the last time.
 Q Have you any written evidence of any description that you desire to offer at this time? A No sir.

Here Judge Harrison asks that reasonable time, as much as can possibly be extended, for the purpose of securing such evidence as they may be able to get, and particularly with reference to the proof of the marriage of this applicant.

By the Commission:

The Commission will allow the applicant fifteen days in which to submit written evidence in support of this application.

- Q Do you know of the existence of any written evidence of any description which would prove or tend to prove that any of your ancestors ever complied or attempted to comply with the provisions of the fourteenth article of the treaty of Dancing Rabbit Creek or ever received any benefits thereunder? A No sir,

47.

I don't know.

If you should find any witnesses whose testimony you desire to have taken before the Commission, they may appear before us here at Muskogee within fifteen days from this date and their testimony will be taken.

- Q Is there any further statement you would like to make at this time in support of your application; anything further to say?
A I don't know that I have anything only what I have been taught.

By Judge Harrison:

- Q What do you know, if anything, by conversation with the elder members of your family relative to the existence of Choctaw blood in this ancestor through whom you claim; in other words, what is your family history and tradition as to your being a Mississippi Choctaw and that your ancestors lived in the state of Mississippi in 1830 and was the head of a family there then?
A Just what my mother and uncles have told me. My mother claimed to be a Mississippian; she was born there and married there in 1834; grandfather Sparks came to Texas in 1830. Uncle Bill Sparks, if I had his photograph here you could easily recognize he was a Choctaw.
Q What do you know about any conversations between members of your family with reference to your rights as a Choctaw citizen and in the basis therefor? A I know just what my mother---I have heard them talk about it.
Q What did they tell you? A Uncle Bill Sparks told me that he was one-eighth Choctaw.
Q Where did he tell you he lived? A Mississippi.
Q When did he live in Mississippi? A Lived there---well, I aint certain but what he was born there; he was there in 1833.
Q Then it's common tradition in your family that your grandfather was quarter Choctaw? A Yes sir.
Q So you have understood? A Yes sir.
Q And so you have been taught? A Yes sir.

By the Commission:

- Q Have you any brothers or sisters living? A I don't know. I aint got nary sister I know, and I don't think I got any brother living.
Q Have any of the descendants of any of your deceased brothers or sisters ever been before this Commission? A Not that I know of.
Q So far as you know then none of your relatives have ever been before the Commission for identification as Mississippi Choctaws? A None that I know of.

The applicant has the appearance of being a white man; he shows no particular indications of being possessed of Indian blood; has dark complexion; blue eyes; his hair and beard are white.

- Q You don't speak or understand the Choctaw language? A No sir,

#8.

I have heard uncle Bill Sparks talk Choctaw.

He has no knowledge of the Choctaw language and no knowledge of the compliance on the part of his ancestors with any of the provisions of the fourteenth article of the treaty of Dancing Rabbit Creek.

Albert G. McMillan, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he reported the proceedings had in the above entitled cause on the 20th day of June, 1902, and that the above and foregoing is a full, true and correct transcript of his stenographic notes taken in said cause on said date.

Albert G. McMillan

Subscribed and sworn to before me this 27 day of June, 1902.

Samuel H. Wood
Notary Public.

*Ch
Cerv.*

Copy

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

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In the matter of the application of James C. Rogers, et al.,
for identification as Mississippi Choctaws, consolidating the
applications of:

James C. Rogers,	M. C. R. 5848
Mary L. Jordan, et al.,	M. C. R. 5980
James W. Jordan,	M. C. R. 5981
Columbus A. Rogers, et al.,	M. C. R. 5970
Thomas P. Rogers, et al.,	M. C. R. 5973
John H. Rogers, et al.,	M. C. R. 5974
Edgar E. Rogers, et al.,	M. C. R. 5976
Maggie L. Hawkins, et al.,	M. C. R. 5978
Charles B. Rogers, et al.,	M. C. R. 5977
Samuel E. Rogers, et al.,	M. C. R. 5975
Bertie M. Rogers,	M. C. R. 5979

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--: D E C I S I O N :--

It appears from the record herein that applications
for identification as Mississippi Choctaws were made to this
Commission by James C. Rogers for himself; by Mary L. Jordan for
herself and her two minor children, Viola May and Mary Lee Jordan;
by James W. Jordan for himself; by Columbus A. Rogers for him-
self and his five minor children, Stolle H., Walter B., Effie I.,
Lora and Cecil C. Rogers; by Thomas P. Rogers for himself and
his four minor children, Jesse H., Lela May, Robert J. and
Dewey Lee Rogers; by John H. Rogers for himself and his three
minor children, Harley H., Lula May and Beulah Lee Rogers; by
Edgar E. Rogers for himself and his three minor children.

Bertha May, Viola Lee and John L. C. Rogers; by Maggie L. Hawkins for herself and her two minor children, Riley and Birdie Hawkins; by Charles B. Rogers for himself and his two minor children, Edgar Lee and James Otis Rogers; by Samuel E. Rogers for himself and his two minor children, Alice V. and David L. Rogers; and by Bertie M. Rogers for himself, under the following provision of the act of Congress approved June 28, 1898, (30 Stats., 495):

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto and make report to the Secretary of the Interior."

It also appears that all of said applicants claim rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, by reason of being descendants of Richard Sparks, who is alleged to have been an one-quarter blood Choctaw Indian, and to have resided in Mississippi in eighteen hundred and thirty.

It further appears from the evidence submitted in support of said applications and from the records in the possession of the Commission that none of said applicants has ever been enrolled by the Choctaw tribal authorities as a member of the Choctaw tribe, or admitted to Choctaw citizenship by a duly constituted court or committee of the Choctaw Nation, or by the Commission to the Five Civilized Tribes, or by a decree of the United States Court in Indian Territory, under the provisions of the act of Congress approved June 10, 1896 (29 Stats.,

321).

It does not appear from the testimony and evidence offered in support of said applications, or from the records in the possession of the Commission relating to persons who complied or attempted to comply with the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and to persons who heretofore were claimants thereunder, that the said Richard Sparks, or ancestors less remote, signified (in person or by proxy) to Colonel Wm. Ward, Indian Agent, Choctaw Agency, an intention to comply with the provisions of said article fourteen, or presented a claim to rights thereunder to either of the commissions authorized to adjudicate such claims by the acts of Congress approved March 3, 1837 (5 Stats., 180), and August 23, 1842 (5 Stats., 513).

It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of James C. Rogers, Mary L. Jordan, Viola May Jordan, Mary Lee Jordan, James W. Jordan, Columbus A. Rogers, Etoile H. Rogers, Walter B. Rogers, Effie I. Rogers, Lora Rogers, Cecil C. Rogers, Thomas P. Rogers, Jesse E. Rogers, Lela May Rogers, Robert J. Rogers, Dewey Lee Rogers, John H. Rogers, Harley H. Rogers, Lula May Rogers, Beulah Lee Rogers, Edgar E. Rogers, Bertha May Rogers, Viola Lee Rogers, John L. C. Rogers, Maggie L. Hawkins, Riley Hawkins, Birdie Hawkins, Charles B. Rogers, Edgar Lee Rogers, James Otis Rogers, Samuel E. Rogers, Alice W. Rogers, David L. Rogers and Bertie M. Rogers as Choctaw Indians

entitled to rights in the Ghostaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the applications for their identification as such should be refused, and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

SIGNED

Tame Dixby.

Acting Chairman.

SIGNED

T. B. Needles.

Commissioner.

SIGNED

C. R. Breckinridge.

Commissioner.

Muskogee, Indian Territory,

FEB 9 1903

Muskogee, Indian Territory, February 9, 1903.

James O. Rogers,

Poss, Oklahoma.

Dear Sir:-

You are hereby advised that on the 9th day of February, 1903, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of James O. Rogers, et al., embracing the following applications for identification as Mississippi Choctaws:

James O. Rogers,	M.C.R.5848;
Mary L. Jordan, et al.,	M.C.R.5980;
James W. Jordan,	M.C.R.5981;
Columbus A. Rogers, et al.,	M.C.R.5970;
Thomas F. Rogers, et al.,	M.C.R.5973;
John H. Rogers, et al.,	M.C.R.5974;
Edgar E. Rogers, et al.,	M.C.R.5976;
Maggie L. Hawkins, et al.,	M.C.R.6078;
Charles B. Rogers, et al.,	M.C.R.5977;
Samuel E. Rogers, et al.,	M.C.R.5978;
Bertie M. Rogers,	M.C.R.5979.

These applications were made under the provision of the act of Congress of June 28, 1898, (30 Stats., 495), which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto and make report to the Secretary of the Interior."

Said decision concludes as follows:

J. C. R., 2.

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of James O. Rogers, Mary L. Jordan, Viola May Jordan, Mary Lee Jordan, James W. Jordan, Columbus A. Rogers, Etoile H. Rogers, Walter B. Rogers, Effie I. Rogers, Lora Rogers, Cecil C. Rogers, Thomas I. Rogers, Jesse E. Rogers, Lela May Rogers, Robert J. Rogers, Dewey Lee Rogers, John H. Rogers, Harloy H. Rogers, Eula May Rogers, Beulah Lee Rogers, Edgar E. Rogers, Bertha May Rogers, Viola Lee Rogers, John L. C. Rogers, Maggie L. Hawkins, Riley Hawkins, Birdie Hawkins, Charles B. Rogers, Edgar Lee Rogers, James Otis Rogers, Samuel E. Rogers, Alice V. Rogers, David L. Rogers and Bertie M. Rogers as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the applications for their identification as such should be refused, and it is so ordered."

You are further advised that you will be allowed fifteen days from the date hereof within which to file arguments in this office, and that at the expiration of said time the papers in the case, together with such arguments, will be forwarded to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

Tamie Dinty
Acting Chairman.

Registered.

M.C.R.5848.

Muskogee, Indian Territory, February 9, 1903.

S. Heard,

Attorney-at-Law,

Bufaula, Indian Territory.

Dear Sir:

You are hereby advised that on the 9th day of February, 1903, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of James C. Rogers, et al., embracing the following applications for identification as Mississippi Choctaws:

James C. Rogers,	M.C.R.5848:
Mary L. Jordan, et al.,	M.C.R.5980:
James W. Jordan,	M.C.R.5981:
Columbus A. Rogers, et al.,	M.C.R.5970:
Thomas E. Rogers, et al.,	M.C.R.5973:
John H. Rogers, et al.,	M.C.R.5974:
Edgar E. Rogers, et al.,	M.C.R.5976:
Maggie L. Hawkins, et al.,	M.C.R.6078:
Charles B. Rogers, et al.,	M.C.R.5977:
Samuel E. Rogers, et al.,	M.C.R.5978:
Bertie E. Rogers,	M.C.R.5972:

These applications were made under the provision of the act of Congress of June 28, 1898, (30 Stats., 496), which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto and make report to the Secretary of the Interior."

S. H., 2.

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of James C. Rogers, Mary L. Jordan, Viola May Jordan, Mary Lee Jordan, James W. Jordan, Columbus A. Rogers, Estelle H. Rogers, Walter B. Rogers, Effie I. Rogers, Lora Rogers, Cecil C. Rogers, Thomas A. Rogers, Jesse E. Rogers, Lola May Rogers, Robert J. Rogers, Dewey Lee Rogers, John M. Rogers, Harlow H. Rogers, Eula May Rogers, Boulah Le Rogers, Edgar E. Rogers, Bertha May Rogers, Viola Lee Rogers, John L. C. Rogers, Maggie L. Hawkins, Riley Hawkins, Birdie Hawkins, Charles P. Rogers, Edgar Lee Rogers, James Otis Rogers, Samuel E. Rogers, Alice V. Rogers, David M. Rogers and Bertie M. Rogers as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of 1830, and that the applications for their identification as such should be refused, and it is so ordered."

You are further advised that the applicants in this case have been allowed fifteen days from the date hereof within which to file arguments in this office, and that at the expiration of said time the papers in the case, together with such arguments, will be forwarded to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

Tame Dixie

Acting Chairman.

Registered.

COPY

M.C.R.5848.

Muskogee, Indian Territory, February 9, 1903.

Thomas & Harrison,

Attorneys-at-Law,

Muskogee, Indian Territory.

Gentlemen:

You are hereby advised that on the 9th day of February, 1903, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of James C. Rogers, et al., embracing the following applications for identification as Mississippi Choctaws:

James C. Rogers,	M.C.R.5848;
Mary L. Jordan, et al.,	M.C.R.5980;
James W. Jordan,	M.C.R.5981;
Columbus A. Rogers, et al.,	M.C.R.5970;
Thomas P. Rogers, et al.,	M.C.R.5973;
John H. Rogers, et al.,	M.C.R.5974;
Edgar E. Rogers, et al.,	M.C.R.5976;
Maggie L. Hawkins, et al.,	M.C.R.6078;
Charles B. Rogers, et al.,	M.C.R.5977;
Samuel E. Rogers, et al.,	M.C.R.5978;
Bertie M. Rogers,	M.C.R.5979.

These applications were made under the provision of the act of Congress of June 28, 1898, (30 Stats., 495), which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto and make report to the Secretary of the Interior."

T. & H., 2.

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of James O. Rogers, Mary L. Jordan, Viola May Jordan, Mary Lee Jordan, James W. Jordan, Columbus A. Rogers, Stoile H. Rogers, Walter B. Rogers, Effie I. Rogers, Lora Rogers, Cecil C. Rogers, Thomas P. Rogers, Jesse E. Rogers, Lela May Rogers, Robert J. Rogers, Dewey Lee Rogers, John H. Rogers, Harley H. Rogers, Lula May Rogers, Beulah Lee Rogers, Edgar E. Rogers, Bertha May Rogers, Viola Lee Rogers, John L. C. Rogers, Maggie L. Hawkins, Riley Hawkins, Birdie Hawkins, Charles B. Rogers, Edgar Lee Rogers, James Otis Rogers, Samuel E. Rogers, Alice V. Rogers, David L. Rogers, and Bertie M. Rogers as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the applications for their identification as such should be refused, and it is so ordered."

You are further advised that the applicants in this case have been allowed fifteen days from the date hereof within which to file arguments in this office, and that the expiration of said time the papers in the case, together with such arguments, will be forwarded to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

James L. ...
Acting Chairman.

Registered.

M.C.R.5848.

COPY.

Muskogee, Indian Territory, February 9, 1903.

Men: J. D. McMurray & Cornish,

Attorneys for the Choctaw and Chickasaw Nations,

South McAlester, Indian Territory.

Gentlemen:

You are hereby advised that on the 5th day of February, 1903, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of James C. Rogers, et al., embracing the following applications for identification as Mississippi Choctaws:

James C. Rogers,	M.C.R.5848;
Mary L. Jordan, et al.,	M.C.R.5980;
James V. Jordan,	M.C.R.5981;
Columbus A. Rogers, et al.,	M.C.R.5970;
Thomas E. Rogers, et al.,	M.C.R.5973;
John H. Rogers, et al.,	M.C.R.5974;
Edgar E. Rogers, et al.,	M.C.R.5976;
Hattie L. Hawkins, et al.,	M.C.R.6078;
Charles B. Rogers, et al.,	M.C.R.5977;
Samuel E. Rogers, et al.,	M.C.R.5978;
Bertie M. Rogers,	M.C.R.5979.

These applications were made under the provision of the act of Congress of June 28, 1898, (30 Stat., 495).

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of James C. Rogers, Mary L. Jordan, Viola

L., No. 2.

May Jordan, Mary Lee Jordan, James W. Jordan, Columbus A. Rogers, Etoile M. Rogers, Walter B. Rogers, Effie I. Rogers, Lora Rogers, Cecil C. Rogers, Thomas P. Rogers, Jesse E. Rogers, Lela May Rogers, Robert J. Rogers, Dewey Lee Rogers, John H. Rogers, Harley H. Rogers, Lula May Rogers, Boulah Lee Rogers, Edgar E. Rogers, Bertha May Rogers, Viola Lee Rogers, John L. C. Rogers, Maggie L. Hawkins, Riley Hawkins, Birdie Hawkins, Charles B. Rogers, Edgar Lee Rogers, James Otis Rogers, Samuel E. Rogers, Alice V. Rogers, David L. Rogers and Bertie M. Rogers as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the applications for their identification as such should be refused, and it is so ordered."

You are further advised that the applicants in this case have been allowed fifteen days from the date hereof within which to file arguments in this office, and that at the expiration of said time the papers in the case, together with such arguments, will be forwarded to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

Tamie Dixie
Acting Chairman.

Muskogee, Indian Territory, February 25, 1903.

The Honorable,

The Secretary of the Interior.

Sir:

There is transmitted herewith the record in the consolidated case of James C. Rogers, et al., applicants to the Commission for identification as Mississippi Choctaws, including the decision of the Commission of February 9, 1903.

The above consolidated case embraces the following original applications heard by the Commission:

James C. Rogers,	M.C.R. 5848
Mary L. Jordan, et al.,	M.C.R. 5980
James W. Jordan,	M.C.R. 5981
Columbus A. Rogers, et al.,	M.C.R. 5970
Thomas P. Rogers, et al.,	M.C.R. 5973
John H. Rogers, et al.,	M.C.R. 5974
Edgar E. Rogers, et al.,	M.C.R. 5976
Maggie L. Hawkins, et al.,	M.C.R. 6078
Charles B. Rogers, et al.,	M.C.R. 5977
Samuel E. Rogers, et al.,	M.C.R. 5978
Bertie M. Rogers,	M.C.R. 5979

The Commission has the honor to report that the principal applicants in the several separate applications, their attorneys of record and the attorneys for the Choctaw and Chickasaw Nations have been duly advised by letter of the action of the Commission, copies of said letters being attached to the record.

Respectfully, (SIGNED)

Through the
Commissioner of Indian Affairs.
2 inclosures: M.C.R. 5848

Terr. Pixby.

Chairman.

Land
13872-1903

(Copy)

DEPARTMENT OF THE INTERIOR,
Office of Indian Affairs.

WASHINGTON, March 13, 1903.

The Honorable,

The Secretary of the Interior.

Sir:

There is transmitted herewith the record of the Commission to the Five Civilized Tribes in the matter of the application for identification as Mississippi Choctaws of the following persons, wherein a decision adverse to the applicants was rendered by the Commission on February 9, 1903.

James C. Rogers; Mary L. Jordan, for herself and her two minor children, Viola May and Mary Lee Jordan; James W. Jordan; Columbus A. Rogers, for himself and his five minor children, Etelle H. Walter B., Effie I., Lora and Cecil C. Rogers; Thomas P. Rogers for himself and his four minor children, Jesse E., Lela May, Robert J. and Dewey Lee Rogers; John H. Rogers for himself and his three minor children, Harley H., Eula May and Beulah Lee Rogers; Edgar E. Rogers for himself and his three minor children, Bertha May, Viola Lee and John L. C. Rogers; Maggie L. Hawkins, for herself and her three minor children, Riley and Birdie Hawkins; Charles B. Rogers, for himself and his two minor children, Edgar Lee and James

Otis Rogers; Samuel E. Rogers, for himself and his two minor children, Alice V. and David L. Rogers; Bertie M. Rogers.

It is stated in the decision of the Commission rejecting these applicants, that its records do not show that Richard Sparks, or an ancestor less remote, ever complied or attempted to comply with the provisions of the 14th article of the treaty of Dancing Rabbit Creek, made with the Choctaw Indians in 1830.

It appears from an examination of the evidence in this case that the applicants claim identification by reason of their descent from Richard Sparks, who, it is alleged, was a citizen of the Choctaw Nation and a resident of Alabama or Mississippi in 1830.

The office has examined its records in connection with this case and finds that the name of Richard Sparks is not included in its list of those persons who complied or attempted to comply with the provisions of the 14th article of the Choctaw treaty of 1830. It is, therefore, recommended that the decision of the Commission rejecting these applicants be approved.

Very respectfully,

A. C. TONNER,

Acting Commissioner.

E.B.H. H'r.

3 enclosures.

D.C. 9217-1903.
I.T.D. 2830-1903.
LRS.

(Copy)

J. W. H.
PHE.

DEPARTMENT OF THE INTERIOR,

WASHINGTON, March 30, 1903.

Commission to the Five Civilized Tribes,

Muskogee, Indian Territory.

Gentlemen:

February 25, 1903, you transmitted the record in the consolidated case embracing the applications for identification as Mississippi Choctaws of James C. Rogers (M C R 5848), for himself; of Mary L. Jordan, for herself and her two minor children, Viola May and Mary Lee Jordan; of James W. Jordan for himself; of Columbus A. Rogers for himself and his five minor children, Etoile H., Walter B., Effie I., Lora and Cecil Q. Rogers; of Thomas P. Rogers for himself and his four minor children, Jesse E., Lela May, Robert J. and Dewy Lee Rogers; of John H. Rogers for himself and his three minor children, Harley H., Eula May and Beulah Lee Rogers; of Edgar E. Rogers for himself and his three minor children, Bertha May, Viola Lee and John L. C. Rogers; of Maggie L. Hawkins for herself and her two minor children, Riley and Birdie Hawkins; of Charles B. Rogers for himself and his two minor children, Edgar Lee and James Otis Rogers; of Samuel E. Rogers for himself and his two minor children, Alice V. and David L. Rogers; and of Bertie M.

Rogers for himself, including your decision of February 9, 1903, refusing to identify them as such.

The principal applicant, James C. Rogers, through whom the others claim, was born in 1835 in Texas. He obtained his Choctaw blood from his mother, Mrs. Samuel Rogers, formerly Elizabeth or Martha Sparks, who was born in Mississippi and married in that State in 1834. She moved from Honey Island, Mississippi, to Texas, in 1835. Elizabeth Sparks was the daughter of Richard Sparks, a quarter blood Choctaw, who removed from the Choctaw Nation in Mississippi to Texas in 1830.

The testimony furnished by the record fails to show that these applicants or any of their alleged ancestors ever complied or attempted to comply, in person or by proxy, with the provisions of article 14 of the treaty of September 27, 1830, or with the subsequent acts relating thereto.

It further appears that the records in your possession, as well as those at the Indian Office, fail to show that any person whatever bearing the name of any of the alleged ancestors, ever complied or attempted to comply with said article or acts.

The Department is therefore of the opinion, in view of the testimony now before it, that these applicants have failed to establish their claims.

Reporting in the matter March 13, 1903, the Acting Commissioner of Indian Affairs recommends that your decision be approved.

-3-

A copy of his letter is inclosed.

The Department finds no reason to disturb your decision, and it is hereby affirmed.

Respectfully,

THOS. RYAN,

Acting Secretary.

1 inclosure.

M.O.R. 5848.

COPY.

Muskogee, Indian Territory, April 8, 1903.

James C. Rogers,

Foss, Oklahoma.

Dear Sir:

You are hereby notified that on the 30th day of March, 1903, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of James C. Rogers, et al., of which decision you were advised by registered mail on the 9th day of February, 1903.

Respectfully,

SIGNED:

Tams Dixby.
Chairman.

M.O.R. 5848.

COPY.

Muskogee, Indian Territory. April 8, 1903.

Thomas & Harrison,

Attorneys-at-Law,

Muskogee, Indian Territory.

Gentlemen:

You are hereby notified that on the 30th day of March, 1903, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of James C. Rogers, et al., of which decision you were advised by registered mail on the 9th day of February, 1903.

Respectfully,

(SIGNED):

James Bixby.
Chairman.

M.C.R.5848.

COPY.

Muskogee, Indian Territory, April 8, 1903.

S. Heard,

Attorney-at-Law,

Bufaula, Indian Territory.

Dear Sir:

You are hereby notified that on the 30th day of March, 1903, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of James C. Rogers, et al., of which decision you were advised by registered mail on the 9th day of February, 1903.

Respectfully,

(SIGNED)

Tams Bixby.
Chairman.

M.C.R.5848.

COPY

Muskogee, Indian Territory, April 8, 1903.

Mansfield, McMurray & Cornish,

Attorneys for the Choctaw and Chickasaw Nations,

South McAlester, Indian Territory.

Gentlemen:

You are hereby notified that on the 30th day of March, 1903, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of James C. Rogers, et al., of which decision you were advised by mail on the 9th day of February, 1903.

Respectfully,

(SIGNED).

James D. Kirby
Chairman.

Consolidated Case
of
James C. Rogers &

Walter & Co. 1875

Richard Sparks $\frac{1}{4}$ _____ Eliza Sparks^{or Martha}
wife
Elizabeth Sparks Samuel Rogers^{dead}
_{- w -}

William F. Sparks $\frac{1}{8}$

med,
5848

James P. Rogers 66-¹/₁₆
wife
Nancy Eliza Rogers
(or Nancy Elizabeth,
or Mary Eliza)

meR
5980

5980
Mary L. Rogers 43—

mai
Simon Jordan

5,980

5980
Viola M. Jordan 16

Mary L. Jordan 3

mer
5941

5981
James W. Jordan 21 1/64

mark
5970

Columbus A. Rogers 4/1/52

wife

Laura L. Rogers

mer
-ATO

1 ⁵⁹⁷⁰ Etouille H. Rogers 13

Walter B. Rogers 10

Effie J. Rogers 7

Lora Rogers 5

Bevil C. Rogers 3

5973

Thomas P. Rogers 36 $\frac{1}{32}$

wife

Florence V. Rogers

215993

15973 Jesse E. Rogers 13

Lela May Rogers 11

Robert J. Rogers 6

Dewey Lee Rogers 2

med
5974

John H. Rogers 33-1/2

100

Emaline B. Rogers

Harley H. Rogers 5

2 "Eula May Rogers 2

Bentah Lee Rogers 25

more
5976

⁵⁹⁷⁶
Edgar E. Rogers 32 ¹/₂

work

Emma F. Rogers

5926

592/6 Bertha May Rogers 5

"Viola Lee Rogers" 3

John L. C. Rogers 6m

James S. Rogers
Cont'd

testifies that his father, grandmother,
mother and father had the blood probably
from his mother's father

James S. Rogers
wife
Eliza Rogers
or Nancy Eliza "
or Nancy Elizabeth "
or or Mary Eliza "

mer
6078

Maggie L. Rogers 29 $\frac{1}{32}$

mar
Lee Hawkins

mer
5977

Charles B. Rogers 29 $\frac{1}{32}$

wife
Hallie B. Rogers

mer
5978

Samuel E. Rogers 29 $\frac{1}{32}$

wife
Edna S. Rogers

mer
5979

Bertie M. Rogers 20 $\frac{1}{32}$

wife
Lilly D. Rogers

Susan Rogers

or Sarah
mar
Brock

mer
6018

Riley Hawkins 9

Birdie Hawkins 6

mer
5979

Edgar Lee Rogers 3

James Otis Rogers 11 m

mer
5978

Alice V. Rogers 4

David L. Rogers 18 m

For Identification as a Mississippi Choctaw.

No. 26

Date

5818

Name

James C Rogers.

Age

66

Blood

1/16

Post-Office.

Foss, Okla. Ter.

Father

Samuel Rogers

d

Mother.

Eliza "

d

Claims through

mother

wife

Nancy Eliza Rogers

No claim for wife

Children

For self only.

Stenographer

A. G. McMillan

Choctaw MCR 5849

Thomas E. Pace

See MCR 4866

MCR 5849

Department of the Interior.
Commission to the Five Civilized Tribes.
Muskogee, I. T., June 21st, 1902.

74040.

In the matter of the application of Thomas H. Pace for the identification of himself and his six minor children, Mary H., Joseph H., Della H., Katie L., Florence I. and Minnie P. Pace, as Mississippi Choctaws.

No attorney.

Thomas H. Pace being first duly sworn testified as follows:

Examination by the Commission.

- Q What is your name? A Thomas H. Pace.
Q How old are you? A Forty-six years old.
Q How much Choctaw blood do you claim to have? A About one-eighth or a sixteenth.
Q You don't know which? A One-eighth put it.
Q What is your post office address? A Grove, Indian Territory.
Q What Nation? A Cherokee.
Q How long have you lived in the Cherokee Nation? A About a year and a half.
Q Where did you live before that? A Benton County, Arkansas.
Q How long did you live there? A That's my main place; I lived there the last time that I came back there about ten years--nine or ten years.
Q Where else did you ever live? A I lived in the state of Washington.
Q How long? A Six years.
Q Anywhere else? A Previous to that I lived several months in Panhandle, Texas.
Q Rest of the time you lived in Arkansas? A Yes sir.
Q Is your father living? A No sir.
Q What was his name? A William H. Pace.
Q Is your mother living? A No sir.
Q What was her name? A Sarah A. Pace.
Q Through which one of your parents do you derive your Choctaw blood? A My father.
Q How long has your father been dead? A Ten years.
Q How old was he at the time of his death? A About sixty I think.
Q Where was he born? A He was born in Tennessee.
Q How long did he live there? A Until he was about twenty-one years old.
Q Continuously? A Yes sir, so far as I know.

#2.

- Q Where did he go then? A He run on the Mississippi river, some; I don't know that he was in the state of Tennessee all the time, but I don't know of him having any other home; he went to Arkansas from there.
- Q Did he live in Arkansas the remainder of his life? A Yes sir, the remainder of his life.
- Q Through which one of his parents did he derive his Cheataw blood? A So far as I know, his mother.
- Q What was her name? A Rachel was his mother's given name.
- Q What was her maiden name? A Well sir, so far as I know, that was her maiden name.
- Q Pace? A Yes sir, so far as I know.
- Q She wasn't married? A She was married but then I don't know anything about her husband at all.
- Q Do you know the name of her father? A I don't know his given name.
- Q His name was Pace? A Yes sir.
- Q How long has Rachel Pace been dead? A I don't know sir.
- Q Have any idea? A No sir.
- Q Where was she born? A So far as I know, in Tennessee.
- Q You never heard then that any of your Cheataw ancestors, except your father, ever lived anywhere except in the state of Tennessee? A No sir.
- Q Were your father and mother lawfully married? A Yes sir.
- Q What evidence have you of that fact? A Well, from the family records and from their word.
- Q How long did they live together as husband and wife? A Nearly fifty years; I don't know exactly how long; something over forty.
- Q How many children were born to them? A Twelve I believe.
- Q Did you ever see their marriage license? A I don't remember now that I did.
- Q Do you know whether it is in existence? A Yes sir, from their word.
- Q Who has it? A I couldn't tell you.
- Q Have you ever been recognized in any manner or enrolled as a member of the Cheataw tribe of Indians in Indian Territory by the Cheataw tribal authorities? A No sir.
- Q Was your father ever so recognized or enrolled, or his mother Rachel Pace? A I couldn't tell you that.
- Q Are you married? A Yes sir.
- Q Wife living? A Yes sir.
- Q Is she a Cheataw Indian? A No sir.
- Q What is her name? A Her maiden name?
- Q No, her given name? A Rosa C. Pace.
- Q She has no Cheataw blood? A No sir.
- Q Don't make any claim for her? A No sir.
- Q Have you been married more than once? A No sir.
- Q Have you any minor children living? A Yes sir.
- Q How many? A Six.
- Q Are any of these minors married? A No sir.
- Q Give us the names of these children and their ages, the eldest first? A Mary M. Pace.
- Q Is she of age? A She's eighteen years old.
- Q Next one? A Joseph R. Pace.
- Q Boy is it? A Yes sir.

#3.

- Q How old? A He was born in 1886--sixteen years old.
Q The next one? A Della M. Pace.
Q How old? A She was born in '88.
Q Fourteen; the next one? A Katie L., she was born in '90.
Q Next one? A Florence I.
Q How old? A She was born in '92.
Q Next one? A Minnie P.
Q How old? A She was born in '95.
Q Is that all? A Yes sir.
Q These children are all living with you at this time? A Yes sir.
Q They are all the children of yourself and Rosa C. Pace?
A All living, yes sir.
Q This application then is for yourself and six minor children?
A Yes sir.
Q Were you married to Rosa under a license? A Yes sir.
Q Have you that license with you? A Well, I had the misfortune to get it partly destroyed; I had it in a trunk and a mouse or something cut it up; it shows the dates; I could have it renewed but I neglected it.
Q This paper isn't sufficient to determine whether it is part of your marriage license or not. There is no names on this paper that you hand me except the name of A. Puckett, Justice of the Peace. Is Puckett the name of the man that performed your marriage ceremony? A Yes sir.
Q Where was this marriage ceremony performed? A In Benton County.
Q Arkansas? A Yes sir.

There isn't sufficient of this paper to be of any benefit in your case, so it would be well for you to procure from the proper officer in Benton County, Arkansas, where you obtained your marriage license, a certified copy of the same and furnish the Commission. This should be furnished within ten days from this date. It will also be necessary that proper evidence of the marriage of your father and mother be furnished the Commission; you will be allowed ten days in which to furnish that evidence also.

- Q Is your name or the name of any one of these children for whom you make application to be found upon any of the Choctaw tribal rolls in Indian Territory? A Not that I know of.
Q Did you ever make any application in your behalf or on behalf of any of these children, or did any one else ever make such an application for any of you to the tribal authorities in Indian Territory, to be admitted or enrolled as members of the Choctaw tribe of Indians? A No sir, not that I knew anything about.
Q Did you or any one for you or any one for any of your minor children in the year 1896, make application to the Commission to the Five Civilized Tribes for citizenship in the Choctaw Nation under the act of Congress of June 10, 1896? A No sir.
Q Have you or any of your children for whom you now make application ever been admitted to citizenship in the Choctaw Nation by either the Choctaw tribal authorities or the United States authorities? A No sir.

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- Q You never have been recognized, any of you, in any manner, as citizens of that Nation? A No sir.
- Q Do you appear before the Commission at this time for the purpose of claiming rights in the Choctaw lands in Indian Territory, for yourself and six minor children under article fourteen of the treaty of Dancing Rabbit Creek? A If I understand right, that's it.

This treaty of Dancing Rabbit Creek was entered into in the state of Mississippi on the 27th day of September, 1830, between the government of the United States and the Choctaw tribe of Indians. At the time the treaty was made these Choctaw Indians lived in the state of Mississippi and along the western edge of the state of Alabama. The object of this treaty was to get these Indians to move from the country occupied by them in Mississippi and Alabama to the new country west of the Mississippi river, part of which is now occupied by the greater portion of the Choctaw tribe of Indians and is commonly known as the Choctaw Nation, Indian Territory. At the time the treaty was made some of the Indians were unwilling to leave this country east of the Mississippi river, and for the benefit of those who preferred to stay in the old Choctaw Nation, what is known as the fourteenth article was put into the treaty. That fourteenth article provided that in case a Choctaw preferred to stay in Mississippi and not move to the new Nation he might, upon certain conditions, receive land there in the old Choctaw Nation from the government of the United States. It is as follows:

"Each Choctaw head of a family being desirous to remain and become a citizen of the states shall be permitted to do so by signifying his intention to the Agent within six months from the ratification of this treaty, and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land, to be bounded by sectional lines of survey; in like manner shall be entitled to one half that quantity for each unmarried child which is living with him over ten years of age; and a quarter section to such child as may be under ten years of age, to adjoin the location of the parent. If they reside upon said lands intending to become citizens of the states for five years after the ratification of this treaty, in that case, a grant in fee simple shall issue; said reservation shall include the present improvement of the head of the family, or a portion of it. Persons who claim under this article shall not lose the privilege of a Choctaw citizen but if they ever remove are not entitled to any portion of the Choctaw annuity."

- Q I have quoted to you in full article fourteen of the treaty of Dancing Rabbit Creek; you understand it now do you? A Yes sir.
- Q Did any of your Choctaw ancestors ever comply or attempt to comply with the provisions of this fourteenth article of the treaty of Dancing Rabbit Creek, or ever received any benefits whatever thereunder? A None that I knew of.

- Q Did any of them live in the old Choctaw Nation in Mississippi and Alabama in the year 1830 when this treaty of Dancing Rabbit Creek was made? A I don't know whether they did or not.
- Q You never heard of any of them ever having lived there?
- A No sir.
- Q You never heard of any of your Choctaw ancestors having claimed to received any land from the government under this fourteenth article of the treaty of Dancing Rabbit Creek? A No sir.
- Q Did you ever hear that any of your ancestors ever received any benefits whatever as Choctaw Indians; any of your people ever get any benefit from the government as Indians? A I heard that my great-grandfather came to this Choctaw Nation, but the benefit that he derived from that I don't know; I couldn't say.
- Q When did he come to the Choctaw Nation? A Time of some of those early treaties; I don't know which.
- Q What was his name? A If I have it right, his name was Pace.
- Q Given name? A I don't know.
- Q Where did he live? A As far as I know he lived in Tennessee.
- Q He was the father of Rachel Pace was he? A That's the way I understand it, yes sir.
- Q The main body of the Choctaw tribe moved out here between 1833 and 1838; did he come with them at that time? A I don't know what date he came on; I have been told frequently by my parents and others that he came at some treaty with somebody of Indians that came west.
- Q Did he always stay out here thereafter? A As far as I know. He came first out here alone; I understand that his wife was a white woman and wouldn't come with him, and he went back to get her to come and that's the only time I ever heard of him going back there; and so far as I know he stayed in the Choctaw Nation ever since and died there.
- Q Never heard he was Chickasaw instead of Choctaw? A No sir.

In accordance with the provisions of the fourteenth article of the treaty of Dancing Rabbit Creek, the government of the United States directed an Agent in Mississippi to register the names of such Choctaws as might desire to remain in Mississippi and become citizens of the states and take land under this article. The records of the government show that this Agent failed to register and report to the government the names of many Indians who did in fact let him know that they wanted to stay in Mississippi and become citizens of the states and take land, and on that account the government at its public land sales in Mississippi in many instances sold land upon which Choctaws lived and had improvements and which they supposed they would receive under the fourteenth article of the treaty. This caused a great deal of complaint among the Indians and the matter was finally brought to the attention of Congress and Congress passed an act which was approved on the 3rd day of March, 1837, providing for the appointment of a Commission whose duty it should be to go to Mississippi and hear evidence in cases where Choctaws might claim that they had complied with the provisions of this fourteenth article of the treaty of Dancing Rabbit Creek but that their land had been sold by the government. These Commissioners were ap-

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pointed and they proceeded to Mississippi and heard a few of these Choctaw cases. By another act of Congress which was approved on the 22nd day of February, 1838, this Commission was continued until August 1st, 1838, and after that time they made a report of their work to Congress. In the time allowed them for the hearing of these cases they were unable to dispose of but a comparatively small number of these fourteenth article cases, so a little later Congress passed another act which was approved on the 23rd day of August, 1842, providing for the appointment of another Commission to go down to Mississippi and hear more of these cases. Commissioners were duly appointed under this act of Congress by the President of the United States and they went down to Mississippi and heard a great number of these cases.

- Q Did any of your Choctaw ancestors to your knowledge, appear before any of these Commissioners and attempt to establish their rights under the fourteenth article of the treaty of Dancing Rabbit Creek? A No sir, not that I know of.

The act of Congress approved August 23, 1842, about which I have just told you, provided that in case it should be finally decided that a Choctaw had complied in all respects with the provisions of the fourteenth article of the treaty of Dancing Rabbit Creek but that his land had been sold by the government, he should be entitled to select in the place of the land so sold by the government, land some place else in Mississippi or Alabama, Louisiana or Arkansas, from vacant government land and should be given a certificate to that effect. These certificates were called scrip.

- Q Did any of your Choctaw ancestors ever get any of this scrip from the government under this act of Congress, to your knowledge? A No sir.
- Q You never heard then that any of your Choctaw ancestors ever received any benefits from the government as Choctaw Indians? A No sir, I don't know that.
- Q Do you know how old Rachel Pace was when your father was born? A No sir.
- Q Have any idea? A No sir.
- Q You never heard of any of your Choctaw ancestors ever having been recognized members of the Choctaw tribe of Indians did you? A No, not that I know of.
- Q Have you any witnesses before the Commission to-day whose testimony you desire to have taken in support of your application? A No sir.
- Q Have you any written evidence of any description that you desire to offer at this time in support of your application? A No sir.
- Q Have none? A No sir.
- Q Do you know of any witnesses who would be able to support your testimony as to the amount of Choctaw blood possessed by you and as to your ancestry; as to who would know whether any of your ancestors ever complied or attempted to comply with the provisions of article fourteen of the treaty of Dancing Rabbit Creek? A I think Pace in Arkansas--J. D. Pace, he was here

#7.

before you some time ago, and would be most likely to know something about it; he is a little more than first cousin of mine.

Q J. D. Pace? A Yes sir.

Q His father and your father were brothers? A His father and this Rachel Pace that I told you about, if I understand it right, was brother and sister; I give that to the best of my knowledge; what I have heard.

Q He was a cousin then of your father's--second cousin of yours?

A He would be--and then on my mother's side his mother and my mother were sisters; make me first cousin of that side and I don't know just what relation on the other.

Q Who else would know anything about this? A Allow me to ask a question: These witnesses, how would I use them?

By the Commission:

Well the Commission will accept written evidence, or if you see fit to bring them here in person they may appear here; but any evidence of any description that you desire to offer should be offered in ten days from this date.

By the applicant:

I have an aunt--sister of my father--living at Chester, Crawford County, Arkansas, would be most likely to be informed on these points.

By the Commission:

Q Has she been before the Commission? A I think not.

Q When was J. D. Pace before the Commission? A This spring I think; may be in March.

Q What is his first name? A Jim; he was here at this town before this Commission I suppose, wasn't he?

Q You don't know of any written evidence of any description which would prove or tend to prove that any of your ancestors ever complied or attempted to comply with the provisions of the fourteenth article of the treaty of Dancing Rabbit Creek do you?

A No, I don't know.

Q Any further statement you would like to make at this time in support of your application? A Would you want another witness? Frank Hendricks, cousin on my mother's side, would be most likely to know about it.

Q Well you can submit his affidavit or his oral testimony within ten days if you see fit; anything further you have to say?

A No sir, I believe not.

Q Have you any children who are of age, living? A What is the date of age?

Q Over twenty-one? A Girl or boys either; no sir, I have none.

Q Have you any brother's living? A Yes sir.

Q How many? A Three.

Q What are their names? A John B. Pace, the oldest living.

Q Next one? A General L.

Q Next one? A Joseph M.

Q Have they been before the Commission? A Not that I know of.

fa.

- Q Have you any brothers dead who left children? A No sir.
Q Have you any sisters living? A Yes sir.
Q How many? A Four.
Q What are their married names? A Their married names? Martha Gyll.
Q Next one? A Mary Phillips.
Q Next one? A Sarah Hendricks.
Q Next? A Fannie Wandlad.
Q That's all is it? A Yes sir.
Q Have they been before the Commission? A Not that I know of.
Q Have you any sisters dead who left children? A No sir.
Q Has your father any brothers or sisters living? A Yes sir, he has a sister.
Q What is her name? A I don't know her full name; they call her Lue.
Q Lue what? A Lue Phillips.
Q You don't know whether she has been before the Commission or not? A No sir.
Q Did your father have any brothers? A Yes sir.
Q How many? A I don't know but one.
Q What was his name? A Jim Pace.
Q Ever have any children? A I don't know.
Q Did your father ever have any other sisters? A I don't know. Seems to me that he did have one more.
Q Knew her name? A I think Rheda was her name but I wouldn't be positive about that.
Q She leave any children? A I don't know.
Q How many brothers did Rachel Pace have? A I don't know but one.
Q His name? A Tom they called him--Tom Pace.
Q He was the father of J. D. Pace was he? A Yes sir.
Q Did Rachel Pace have any sisters? A I don't know.
Q You don't speak or understand the Choctaw language? A No sir.

Reference is made to M C R 4866, James D. Pace, whose father, Tom Pace, was a brother of Rachel Pace, mother of this applicant's father.

The applicant has the appearance of being a white man; shows no indications of being possessed of Indian blood; has rather dark complexion; dark hair; blue eyes; mustache is black; doesn't speak or understand the Choctaw language; he has no knowledge of a compliance on the part of any of his ancestors with article fourteen of the treaty of Dancing Rabbit Creek.

Albert G. McMillan, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he reported the proceedings had in the above entitled cause on the 21st day of June, 1902, and that the above and foregoing is a full, true and correct transcript of his stenographic notes taken in said cause on said date.

Subscribed and sworn to before me this 27th day of June, 1902.

Albert G. McMillan
Notary Public.

Miss. Choctaw R5849

Muskogee, Indian Territory, July 2, 1902.

Thomas R. Pace,

Grove, Indian Territory,

Dear Sir:

Receipt is hereby acknowledged of affidavit of James D. Pace, which is offered in support of your application for the identification of yourself and your minor children as Mississippi Choctaws, and the same has been duly filed with the record in this case.

Yours truly,

Commissioner in Charge.

Miss. Choc. 5849

Muskogee, Indian Territory, July 17, 1902.

Thomas E. Pace,

Grove, Indian Territory,

Dear Sir:

Receipt is hereby acknowledged of your letter of the 13th inst., in which you ask "what is included by ancestors complying with the provisions of the 14th article of the treaty of 1830 between the United States and Choctaw Indians".

It appears from our records that you are an applicant to this Commission for identification as a Mississippi Choctaw, having made said application before the Commission at its office in Muskogee, Indian Territory, June 21, 1902. On that occasion the 14th article of the Choctaw treaty of 1830 was read to you and at that time, in reply to a question, you stated that you understood the provisions of that article of the treaty.

The authority vested in this Commission to determine the identity of so called Mississippi Choctaws is contained in the provision of the act of Congress of June 26, 1896, as follows:

"Said commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation concluded September twenty-seventh eighteen hundred and thirty, and to that end may administer oaths, examine witnesses, and perform all other acts necessary thereto and make report to the Secretary of the Interior."

provision in the act of June 28, 1898, contemplated the identification of only those "Cherokee Indians claiming rights in the Cherokee lands under article fourteen of the treaty between the United States and the Cherokee Nation, concluded September twenty-seventh, eighteen hundred and thirty'."

It would, therefore, be necessary, in order for you to obtain rights as a Mississippi Choctaw under the provisions of the act of June 28, 1898 and the 14th article of the treaty of 1830, to be identified as Mississippi Choctaw, requires that the applicants show that the least remote of your ancestors who were living at the time they resided within the territorial limits of the old Choctaw Nation in the States of Alabama and Mississippi in 1830 and who complied or attempted to comply with the provisions of the 14th article of the treaty of 1830, or who subsequently were adjudicated beneficiaries thereunder by the two Commissions authorized for this purpose by the acts of Congress approved March 3, 1837 and August 23, 1842.

We cannot render any opinion upon the sufficiency of evidence introduced in support of an application for identification as a Mississippi Choctaw until the case is taken up for final consideration and decision by the Commission. The Assistant Attorney General for the Interior Department, in a communication of December 3, 1901, in defining the power of this Commission to identify so called Mississippi Choctaws, under the act of Congress of June 28, 1898, used the following language:

"There is no escape from the conclusion that the provision in the act of June 28, 1898, contemplated the identification of only those 'Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty'."

It would, therefore, be necessary, in order for you to obtain rights as a Mississippi Choctaw under the provisions of the act of June 28, 1898 and the 14th article of the treaty of 1830, to show that the least remote of your ancestors, who was living at the

Thomas H. Packer

date of the conclusion of the treaty of 1830, was a beneficiary
under the provisions of the 11th article thereof.

Yours truly,

Acting Chairman.

Okmulgee, Indian Territory, July 24, 1906.

Thomas E. Pace,
Greve, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of your letter of the 22nd inst., enclosing certified copy of marriage record between Thomas E. Pace and Rosa C. White offered in support of your application for the identification of yourself and minor children as Mississippi Choctaws. The same has been filed with the record in this case.

Yours truly,

Commissioner in charge.

Muskogee, Indian Territory, January 28, 1903

Thomas E. Pace,

Grove, Indian Territory.

Dear Sir:

You are hereby advised that on the 28th day of January, 1903, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of James Dean Pace, et al., embracing the following applications for identification as Mississippi Choctaws:

James Dean Pace,	M.C.R. 4866
Mary Lewis, et al.,	M.C.R. 285
William W. Macue, et al.,	M.C.R. 2250
Ella Nealey, et al.,	M.C.R. 2251
Christopher Columbus Pace, et al.,	M.C.R. 4865
James F. Pace,	M.C.R. 4919
Lillie May Allen, et al.,	M.C.R. 4920
Robert P. Pace, et al.,	M.C.R. 5936
Albert S. Pace, et al.,	M.C.R. 6235
John S. Pace, et al.,	M.C.R. 6051
Thomas E. Pace, et al.,	M.C.R. 5849
General L. Pace, et al.,	M.C.R. 6198
Sarah Hendrix, et al.,	M.C.R. 6213
Martha Almira Gyll, et al.,	M.C.R. 6261
Thomas R. Gyll, et al.,	M.C.R. 6262
John S. Gyll, et al.,	M.C.R. 6263
Sarah Elizabeth Moore, et al.,	M.C.R. 6264
William T. Pace, et al.,	M.C.R. 6340

These applications were made under the provision of the act of Congress of June 26, 1898 (30 Stats., 495) which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto and make report to the Secretary of the

Interior."

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of James Dean Pace, Mary Lewis, Jesse Lewis, Montie Lewis, Homer Lewis, Bessie Lewis, William W. Escue, Oscar Escue, Sally P. Escue, Lola P. Escue, Bennie Escue, Ella Nealey, Dolphus Culpepper, Christopher Columbus Pace, Heber Russell Pace, James F. Pace, Lillie May Allen, Leslie Leroy Allen, Robert P. Pace, Ullie Pace, Verdie M. Pace, Nora A. Pace, Willmina Pace, Lela P. Pace, Ernest D. Pace, Maurice B. Pace, Hannah E. Pace, Frederick O. Pace, Bruce O. Pace, Albert S. Pace, Ada Lee Pace, Evalena Pace, John S. Pace, Ora A. Pace, Josie Pace, John O. Pace, Thomas E. Pace, Mary M. Pace, Joseph R. Pace, Della M. Pace, Katie L. Pace, Florence I. Pace, Minnie P. Pace, General L. Pace, Stella May Pace, Maud Florence Pace, Alice Pace, Jesse Lee Pace, Paul O. Pace, Sarah Hendrix, Willie Hendrix, Maggie Hendrix, Belle Hendrix, Martin Hendrix, Jefferson Hendrix, George Hendrix, John Hendrix, Martha Almira Gyll, Oscar Bennett Gyll, James Elmer Gyll, Sophia Etta Gyll, Newton Franklin Gyll, Thomas R. Gyll, Josie May Gyll, George Alvin Gyll, John S. Gyll, William Henry Gyll, Sarah Elizabeth Moore, Jesse Clyde Moore, William T. Pace, Mirttie May Pace, Alma F. Pace, Jeff R. Pace, Charlie L. Pace, Ezra H. C. Pace and Samuel O. Pace as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty and that the applications for their identification as such should be refused, and it is so ordered."

"It is the further opinion of the Commission that under the provision of law above quoted no person is entitled to identification as a Mississippi Choctaw by marriage, and that the application made by William W. Escue for the identification of his wife, Sarah Ann Escue, as an intermarried Mississippi Choctaw, should, therefore, be refused, and it is so ordered."

You are further advised that you will be allowed fifteen days from the date hereof within which to file arguments in this office, and that at the expiration of said time the papers in the case together with such arguments will be forwarded to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

Tamc Dixby.

Registered.

Acting Chairman.

M.C.R. 5849

COPY.

Muskogee, Indian Territory, May 11, 1903.

Thomas E. Pace,
Grove, Indian Territory.

Dear Sir:

You are hereby notified that on the 2nd day of May, 1903, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of James Dean Pace, et al., of which decision you were advised by registered mail on the 28th day of January, 1903.

Respectfully,

W. B. Needles.
COMMISSIONER IN CHARGE.

For Identification as a Mississippi Choctaw.

Date

Name *Thomas E. Pace*

Age *46* Blood $\frac{1}{8}$

Post-Office, *Grove, Ind. Ter.*

Father *Wm R. Pace* d

Mother *Sarah R. "* d

Claims through father
 wife *Rosa C. Pace* L
 (No claim for wife.)

For self and 6 children

Children.

<i>Mary M. Pace</i>	<i>18</i>
<i>Joseph R. "</i>	<i>16</i>
<i>Della M. "</i>	<i>14</i>
<i>Katie L. "</i>	<i>12</i>
<i>Florence I. "</i>	<i>10</i>
<i>Minnie P. "</i>	<i>7</i>

A. G. McNeen

Choctaw MCR 5850

Jacob M. Garland

MCR 5850

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

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In the matter of the application of Jacob M. Garland, et
al., for identification as Mississippi Choctaws, M. C. R. 8650.

List of papers forwarded to the Secretary of the Interior
with the record in the above case, together
with the page occupied by each in
said record.

	Page.
Original application of Jacob M. Garland, et al., for identification as Mississippi Choctaws.	1
Examination of Jackson Lewis before the Com- mission in support of application.	8
Affidavit of S. P. Linch in support of appli- cation.	10
Certified copy of marriage record of J. M. Garland and Sarah Green.	12
Joint affidavit of S. P. Linch and A. Y. Folk as to the marriage of Erasmus Hamilton Garland and Jane McNeese.	13
Decision of the Commission refusing the appli- cation of Jacob M. Garland, et al., for identi- fication as Mississippi Choctaws.	14.

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Department of the Interior.
Commission to the Five Civilized Tribes.
Washoe, L. T., June 21st, 1902.

#5250.

In the matter of the application of Jacob M. Garland for the identification of himself and his five minor children, Jasper, Minnie B., William O., Albert and Alonzo Garland, as Mississippi Choctaws.

No attorney.

Jacob M. Garland being first duly sworn testified as follows:

Examination by the Commission:

- Q What is your name? A Jacob M. Garland.
Q How old are you? A Born in 1882.
Q What month? A Twenty-first day of January.
Q How much Choctaw blood have you? A One-eighth I reckon.
Q What is your post office address? A Johnsonville,
I. T.? A Yes sir.
Q Chickasaw Nation? A Yes sir.
Q How long have you lived in the Chickasaw Nation? A Ever since '88.
Q Continuously? A Yes sir.
Q Where did you live before that? A Lived in Texas.
Q All your life? A No sir, not all my life; I lived part of the time in Arkansas, Sevier and Polk County.
Q Ever live anywhere else? A No sir.
Q Is your father living? A No sir, he's dead.
Q What was his name? A Erasmus Hamilton Garland.
Q Is your mother living? A Yes sir.
Q What is her name? A Jane Garland.
Q Never has married again? A Yes sir, married a man by the name of Adams.
Q Through which one of your parents do you derive your Choctaw blood? A Through my father.
Q How long has your father been dead? A Mid-venty, I was born in '82.
Q About how old a man was he at that time? A Well sir, I couldn't say.
Q Have you any idea? A I couldn't say.
Q How old is your mother? A She's about sixty I reckon now.
Q Do you know whether he was older or younger than she?
A I think as well as I remember the old he was older; I wouldn't be positive about it.

- Q Do you know where he was born? A Titus County, Texas.
- Q Your father? A No, I was born there.
- Q Do you know where your father was born? A I was told he came from Mississippi; he was born there.
- Q Born in Mississippi? A I reckon so. My mother said he came from Mississippi. Now let me tell you, my mother is insane; she is in the insane Asylum; has been for a long time; I can't use her, shaden't know nothing; I have been to see her but she don't know nothing you might say, and my aunt, an old sister of her's, I had to refer to her to find out something about it; you see she never taught me these things.
- Q Do you know where your father came from the state of Mississippi, west? A Let me see, it seems I have heard---I guess my aunt would know; I don't know.
- Q Did your father ever live in the Indian Territory to your knowledge? A I don't know.
- Q Do you know whether he was ever a recognized member of the Choctaw tribe of Indians? A No.
- Q Well your father? A No sir, I don't.
- Q Were you ever a recognized member of the Choctaw tribe of Indians? A No sir, I never was before them.
- Q Now, through which one of his parents did your father get his Choctaw blood? A His father John.
- Q Through his father whose name was John Garland? A Yes sir, from what I have been taught my grandfather was John.
- Q Where did he live? A He came from Mississippi to the Choctaw Nation and then I think he died in the Choctaw Nation.
- Q John Garland did? A Yes sir.
- Q How much Choctaw blood did he have? A Claimed to be a half breed.
- Q What was your father's mother's name? A I don't know.
- Q Do you know whether John Garland was lawfully married to her? A No sir, I don't.
- Q Do you know how many children was born to them? A John Garland? His children?
- Q Yes sir? A You have reference now to John Garland the grandfather?
- Q Yes sir? A No sir, let me see---it seems to me that father's brother was named Ace Garland they told me.
- Q He have any other brothers? A There's another but I forget his name.
- Q Did he ever have any sisters? A What?
- Q Your father ever have any sisters? A My father?
- Q Yes sir? A If he did I don't know.
- Q Were your father and mother lawfully married? A I suppose so; I don't know.
- Q How long did they live together as husband and wife? A Why, they lived together I reckon from the time they was married until he died.
- Q Do you know how long that was? A Just had three children.
- Q Do you know whether they were married under a license? A I suppose they was.
- Q You don't know? A No.
- Q Knew where they married? A In Louisiana somewhere.
- Q Do you know the year? A No sir, I don't.

It will be necessary that you furnish the Commission with proper evidence of the marriage of your father and mother. Now the best thing is the original marriage license and certificate; if you can't get that, a certified copy; if you can't get that, the affidavits of disinterested persons as to their marriage will be the next best thing.

- Q You never have been recognized in any manner or enrolled as a member of the Choctaw tribe of Indians have you? A No sir, I never was before the Commission.
- Q This is the first attempt that you have ever made to establish your rights as a Choctaw Indian? A Yes sir.
- Q Are you married now? A Yes sir.
- Q Is your wife living? A Yes sir.
- Q What is her name? A Sarah Garland.
- Q Has she any Choctaw blood? A No sir.
- Q You make no claim for her? A No sir.
- Q Have you any children living? A Yes sir.
- Q How many? A Eight.
- Q Have you been married more than once? A No sir.
- Q Are any of your children of age? A Three of them; I have got one married and two others of age.
- Q What are the names of these children? A Oldest, three eldest ones?
- Q Yes sir? A Mattie Garland.
- Q Not married? A No sir; and John Garland and Della Garland Stevens.
- Q Have any of these children been before the Commission? A No sir, they have not.
- Q Now you have five who are under age have you? A Yes sir.
- Q What are their names and ages, oldest first? A Jasper Garland
- Q Jasper Garland is sixteen years old; is that right? A Yes sir
- Q Next? A Minnie E. Garland.
- Q How old? A Born in 1890.
- Q Twelve years old; next one? A William O. Garland.
- Q How old? A Nine years old.
- Q Next one? A Albert.
- Q How old? A Six years old.
- Q Next one? A Alonzo.
- Q How old? A Two years old.
- Q That's all in it of your minor children? A Yes sir.
- Q Are those children all the children of yourself and Sarah Garland? A Yes sir.
- Q And they are all living with you at this time? A Yes sir.
- Q This application then is for yourself and five minor children? A Yes sir.
- Q Were you married to Sarah under a license? A Yes sir.
- Q Where? A Kaufman County, Texas.
- Q When? A '74.
- Q Have you that marriage license and certificate with you? A No sir, I haven't.
- Q Who married you? A Old Parson Stringer.
- Q Minister of the gospel? A Yes sir.

It will be necessary that you furnish the Commission with proper evidence of your marriage to Sarah Garland in con-

4.

sideration of the application you make in behalf of your five minor children. This evidence should be furnished within ten days from this date.

- Q Is your name or the name of any one of these children for whom you make application to be found on any of the Choctaw tribal rolls in Indian Territory; now tribal rolls are rolls prepared by the Indians, or the members of their tribes? A Well sir, I couldn't say.
- Q You never made any effort to have them placed on the rolls did you? A No sir.
- Q Did you or anyone for you, or any one in behalf of these minor children for whom you make application, ever make application to the Choctaw tribal authorities to be admitted or enrolled as members of that tribe? A No sir.
- Q Did you or any one for you, or did any one in behalf of any of these children, make application in the year 1896 to the Commission to the Five Civilized Tribes for citizenship in the Choctaw Nation? A No sir.
- Q Have you or any of these children ever been admitted to citizenship in the Choctaw Nation by either the tribal authorities or the United States authorities? A No sir.
- Q Do you appear before the Commission at this time for the purpose of claiming rights in the Choctaw lands in Indian Territory, for yourself and five minor children, under the provisions of the fourteenth article of the treaty of Dancing Rabbit Creek? A Yes sir.

This treaty of Dancing Rabbit Creek was entered into in Mississippi on the 27th day of September, 1830, between the government of the United States and the Choctaw tribe of Indians. At the time the treaty was made the Choctaws were living in what comprised the old Choctaw Nation, being a part of the state of Mississippi and a small portion of the state of Alabama along the western boundary of the state. The object of this treaty was to get these Indians to move from the country occupied by them in Mississippi and Alabama to a new country west of the Mississippi river, part of which is now occupied by the greater portion of the Choctaw tribe of Indians and is commonly known as the Choctaw-Chickasaw country of Indian Territory. At the time the treaty was made some of the Choctaws were unwilling to leave the old Nation and come out west of the Mississippi to this new country, and for the benefit of those who insisted on being permitted to remain back in the old Choctaw Nation, what is known as the fourteenth article was put into the treaty. The fourteenth article provided that on certain conditions a Choctaw who preferred to stay back there in the old Nation might receive land from the government. It is as follows:

"Each Choctaw head of a family being desirous to remain and become a citizen of the states shall be permitted to do so, by signifying his intention to the Agent within six months from the ratification of this treaty, and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land, to be

bounded by sectional lines of survey; in like manner shall be entitled to one half that quantity for each unmarried child which is living with him over ten years of age; and a quarter section to such child as may be under ten years of age, to adjoin the location of the parent. If they reside upon said lands intending to become citizens of the states for five years after the ratification of this treaty, in that case, a grant in fee simple shall issue; said reservation shall include the present improvement of the head of the family, or a portion of it. Persons who claim under this article shall not lose the privilege of a Choctaw citizen but if they ever remove are not entitled to any portion of the Choctaw annuity."

- Q I have quoted to you in full the fourteenth article of the treaty of Dancing Rabbit Creek; you understand it do you?
 A Yes sir.
 Q Did any of your ancestors ever comply or attempt to comply with its provisions or ever receive any benefits under that article?
 A I don't know, unless it was some of my grandfather's people.
 Q John Garland? A John Garland.
 Q Do you know whether John Garland ever did comply or attempt to comply with the provisions of this fourteenth article?
 A I don't know sir.
 Q Do you know whether any of your people ever complied with its provisions? A No sir, I couldn't say.
 Q What one of your Choctaw ancestors was living in the old Choctaw Nation in Mississippi and Alabama in 1830 when this treaty was made? A Why, I presume that John Garland was there at the time.
 Q Was the head of a family at that time? A Well sir, I couldn't say.
 Q If your father would be eighty years old if living now, John Garland must have been at the head of a family at that time?
 A Must have been, yes sir.
 Q Do you know whether John Garland within six months after the treaty of Dancing Rabbit Creek was ratified, let the Agent of the government in Mississippi for the Choctaws know that he wanted to stay in Mississippi and become a citizen of the states and take land? A No sir.
 Q Do you know whether he or any other of your Choctaw ancestors ever claimed or received any land in Mississippi from the government of the United States under the fourteenth article of the treaty of Dancing Rabbit Creek? A No sir, I don't.
 Q Did he have a Choctaw name? A Why, I suppose so; great many of them called John; that's a common name amongst them.
 Q Did he have a Choctaw name--an Indian name? A Yes, I suppose it was an Indian name.
 Q What was it? A John Garland they called him.
 Q Well most of those Indians had Choctaw names, and some had English names; did he have an Indian name? A No sir, I couldn't say.
 Q Do you know whether he owned an improvement in what comprised the old Choctaw Nation in Mississippi and Alabama in the year 1830 when the treaty of Dancing Rabbit Creek was made?

#3.

A No sir, I couldn't say.

Q Did he ever live in the old Choctaw Nation? A Yes sir, I think so; I have been told he had but I don't know of my own knowledge.

In accordance with the provisions of article fourteen of the treaty of Dancing Rabbit Creek the government of the United States directed an Agent in Mississippi to register the names of such Choctaws as might desire to remain in Mississippi and become citizens of the state and take land. The records of the government show that this Agent failed to register and report to the government the names of many Indians who did in fact let him know that they wanted to stay in Mississippi and become citizens of the state and take land. On that account the government in many instances sold land which Choctaws were living on and had improvements and which they supposed they would receive under the fourteenth article of the treaty. This caused a great deal of complaints among the Indians and the matter was finally brought to the attention of Congress and Congress passed certain acts between the years 1837 and 1842 providing for the appointment of Commissioners to go to the state of Mississippi and hear cases of Choctaws who claimed that they had complied in all respects with the provisions of article fourteen of the treaty of Dancing Rabbit Creek but that their land had been sold by the government. These Commissioners were appointed by the President of the United States and they went down to Mississippi and heard a great many of these Choctaw cases.

Q Did any of your ancestors to your knowledge ever appear before any of the Commissioners appointed under these acts of Congress and attempt to establish their rights under article fourteen of the treaty of Dancing Rabbit Creek? A Well sir, I couldn't say. I have the least knowledge I reckon about my relation of any man on earth; raised an orphan and was never taught these names; it was kept hid from me.

The act approved on the 23rd day of August, 1842, provided: That in case it should be finally decided that a Choctaw had complied in all respects with the provisions of article fourteen of the treaty of Dancing Rabbit Creek but that his land had been sold by the government, he should be entitled to select in place of the land so sold by the government, land some place else in Mississippi or Alabama, Louisiana or Arkansas, to be taken from vacant government land and should be given a certificate to that effect. These certificates were called scrip.

Q Did any of your Choctaw ancestors ever get any of this scrip from the government of the United States to your knowledge? A I couldn't say, no sir.

Q So far as you know were any of your Choctaw ancestors ever recognized members of the Choctaw tribe of Indians, or did any of them ever receive any benefits as such? A Unless it was Sam Garland or Isaac or Jim.

- Q Who were they? A If I understand it right they was relations of John Garland.
- Q What relation of John Garland? A Brothers I think, that is, if I have been told the thing right.
- Q Tell you don't know whether any of them ever received any benefits as Choctaw Indians? A I don't know. This Sam Garland used to be former governor of the Choctaw Nation.
- Q And you claim that he was a brother of your grandfather John Garland? A That's what I have been told.
- Q Have you any witnesses before the Commission to-day who you desire to introduce in support of your application? A More than this old gentleman here.
- Q What is his name? A Jackson Lewis.
- Q Is he any relation to you? A No sir.
- Q Has he any interest in the result of your application? A None that I know of, no sir.
- Q What do you expect to prove by him? A Well, he just knowed--- was with Sam Garland and Len Garland his son and heard them talking about---and he knew my brother.
- Q Does this witness know whether any of your ancestors ever complied with the provisions of the fourteenth article of the treaty of Dancing Rabbit Creek? A I don't know sir; I never heard him say.
- Q You have no other witnesses? A Not at present.
- Q Have you any written evidence to offer? A None but this that I got from my aunt.

The affidavit of S. P. Lynch is offered in evidence, identified as exhibit "A", filed and made a part of the record in this case.

- Q Who is S. P. Lynch? A That's my mother's sister.
- Q You have no further evidence? A No sir.
- Q Do you know of the existence of any written evidence of any description which would prove or tend to prove that any of your ancestors ever complied or attempted to comply with the provisions of the fourteenth article of the treaty of Dancing Rabbit Creek, or ever received any benefits thereunder? A No sir, I do not.

If you should see fit to offer any further written evidence in support of your application or if you should find any witnesses whose testimony you desire to have taken in support of your application, you will be allowed ten days time within which to offer such evidence.

- Q Are there any further statements you desire to make at this time in support of your application? A No sir, I haven't any more at present.
- Q Have you any brothers living? A I do not know; I have got one brother and one sister; my sister is dead and brother I haven't seen or heard of him in twenty years.
- Q What is his name? A Jasper Garland.
- Q What was your sister's name? A Martha.
- Q She leave any children? A One.

#8.

- Q Is that child living? A Was a few years ago; haven't heard of it for two or three years.
- Q What is it's name? A Lula Garrison.
- Q Is that her maiden name? A Yes sir.
- Q You don't know whether she has been before the Commission?
- A No sir, I do not.
- Q Are any of your father's brothers living now? A I do not know whether they are or not.
- Q Are any of the children of your father's brothers living?
- A I don't know.
- Q Do you speak or understand the Choctaw language? A No sir.

The applicant has the appearance of being a white man; shows no indications of being possessed of Indian blood; has dark complexion; dark hair and blue eyes; doesn't speak or understand the Choctaw language and has no knowledge of the compliance on the part of any of his ancestors with the provisions of the fourteenth article of the treaty of Dancing Rabbit Creek.

Applicant excused.

Jackson Lewis being called and sworn as a witness, testified as follows:

- Q What is your name? A Jackson Lewis.
- Q How old are you Jackson? A Sixty-four years old in December.
- Q What is your post office address? A Johnsonville, I. T.
- Q Chickasaw Nation? A Yes sir.
- Q How long have you lived in the Chickasaw Nation? A Going on twelve years right here in the Chickasaw Nation.
- Q Where did you live before that? A In the Choctaw Nation.
- Q How long? A Ever since '62.
- Q Where did you live before that? A Well, I lived on the river with old man Sam Garland's son Lon in the Choctaw Nation; they brought me from the state of Texas before the war as a slave.
- Q What was this man Garland's son? A Lon Garland, son of the old man; the old man bought me and turned me over to his son.
- Q Is Lon Garland living? A No sir, he's dead.
- Q About how old a man would he be if living now? A Well, I expect he would be along about sixty-seven or eight; somewhere along there.
- Q Older than you? A Yes sir.
- Q Well now how old would Sam Garland be if living now? A I expect the old man would be somewhere up in eighty or ninety; he was a very old man when he bought me.
- Q An old man when he bought you in '62? A Yes sir, he bought me along in '61 or '62, along there somewhere.
- Q Old man Sam Garland was a Choctaw was he? A Yes sir, he was what I call a half breed or quarter; something like that; he was governor of the Choctaw Nation.
- Q When was he governor of the Choctaw Nation? A Well, I could not be positive and tell you the exact date.
- Q After you were bought by him? A Yes sir, I think he was gov-

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error along about that time; of course I was a slave and could not keep up with their business.

Q Are you acquainted with Jacob M. Garland who has just appeared before the Commission? A I have heard a good deal of talk about him.

Q You knew him personally? A Yes sir.

Q How long have you been acquainted with him? A Five or six years.

Q Know who his father was? A No sir, just heard what old man Sam and his cousin Lon talk about uncle John Garland and talk about these young people, but really I didn't know them. This man's brother and my boss run together as young men; they claimed cousins with one another; Lon and Jasper Garland claimed cousins.

Q And you heard Sam Garland refer to a man by the name of John Garland as his uncle? A Well, I reckon he must have been his brother; I reckon his brother; I don't know which it was; I have heard a great deal of talk about John.

Q Did you ever see John Garland? A No sir.

Q Don't know where he lived? A No sir, I just heard white people talking about him.

Q You don't know whether this man is a descendant of John Garland? A From all reports he must be.

Q Do you know whether John Garland ever complied or attempted to comply with the provisions of article fourteen of the treaty of Dancing Rabbit Creek, or received any benefits under that article? A I couldn't say, to be honest; I couldn't say; I never heard of any of them drawing anything or making any complaints about lands.

By the Commission to applicant:

Q Mr. Garland is there anything further you want to have asked this witness? A No, I believe not Judge.

This witness has the appearance of being a negro; has no knowledge of the compliance on the part of the ancestors of the applicant Jacob M. Garland, with the provisions of the fourteenth article of the treaty of Dancing Rabbit Creek.

Albert G. McMillan, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he reported the proceedings had in the above entitled cause on the 21st day of June, 1902, and that the above and foregoing is a full, true and correct transcript of his stenographic notes taken in said cause on said date.

Albert G. McMillan

Subscribed and sworn to before me this 28 day of June, 1902.

Wm. H. McMillan
Notary Public.

G.A.L.
C.W.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application of Jacob M. Garland, et al., for identification as Mississippi Choctaws, N O B 0000.

--! D E C I S I O N !--

It appears from the record herein that application for identification as Mississippi Choctaws was made to this Commission by Jacob M. Garland for himself and his five minor children, Jasper, Minnie B., William O., Albert and Kloupe Garland, under the following provision of the act of Congress approved June 22, 1890, (26 Stat., 490):

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses, and perform all other acts necessary thereto and make report to the Secretary of the Interior."

It also appears that all of said applicants claim rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, by reason of being

2.

descendants of one John Garland, who is alleged to have been an one half blood Choctaw Indian.

It further appears from the evidence submitted in support of said application and from the records in the possession of the Commission that none of said applicants has ever been enrolled by the Choctaw tribal authorities as a member of the Choctaw tribe or admitted to Choctaw citizenship by a duly constituted court or committee of the Choctaw Nation, or by the Commission to the Five Civilized Tribes, or by a decree of the United States Court in Indian Territory under the provisions of the act of Congress approved June 10, 1898, (30 Stat., 321).

It does not appear from the testimony and evidence offered in support of said application, or from the records in the possession of the Commission relating to persons who complied or attempted to comply with the provisions of article fourteen of the treaty of eighteen hundred and thirty, and to persons who heretofore were claimants thereunder, that the said John Garland, or an ancestor less remote, signified (in person or by proxy) to Colonel Wm. Ward, Indian Agent, Choctaw Agency, an intention to comply with the provisions of said article fourteen, or presented a claim to rights thereunder to either of the Commissions authorized to adjudicate such claims by the acts of Congress approved March 3, 1837, (5 Stat., 180), and August 23, 1842, (5 Stat., 511).

It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Jacob M. Garland, Jasper Garland, Minnie E. Garland, William O. Garland,

2.

Albert Garland and Alonzo Garland as Chester Indians entitled to rights in the Chester lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the application for their identification as such should be refused, and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES,

(SIGNED)

James B. Bird

Acting Chairman

(SIGNED)

T. B. Needles

Commissioner

(SIGNED)

C. R. Freshwater

Commissioner

Washketo, Indian Territory,

OCT 24 1902

Miss. Choctaw R 3800

Muskogee, Indian Territory, June 27, 1902.

Jacob W. Garland,

Johnsonville, Indian Territory,

Dear Sir:

Receipt is hereby acknowledged of certified copy of the marriage license and certificate between J. W. Garland and Sarah Green, which you offer in support of your application for the identification of yourself and your minor children as Mississippi Choctaws, and the same has been filed with the record in this case.

Yours truly,

Commissioner in Charge.

Miss. Choctaw R 5850

Muskogee, Indian Territory, July 3, 1902.

Jacob W. Garland,

Johnson, Indian Territory,

Dear Sir:

Receipt is hereby acknowledged of joint affidavit of S. P. Lynch and A. Y. Polk which is offered in support of your application for the identification of yourself and your minor children as Mississippi Choctaws, and the same has been duly filed with the record in your case.

Yours truly,

Commissioner in Charge.

Miss. Choctaw 5850

Muskogee, Indian Territory, September 17, 1902.

Jacob M. Garland,

Okma, Indian Territory,

Dear Sir:

Receipt is hereby acknowledged of your letter of September 13, in which you ask to be informed what action has been taken in your application for the identification of yourself and your minor children as Mississippi Choctaws.

In reply to your letter you are advised that no decision nor opinion has yet been rendered relative to your rights as Mississippi Choctaws. As soon as a decision is reached you will be notified of the action of the Commission.

Yours truly,

Acting Chairman.

Muskegee, Indian Territory, October 24, 1902.

Manafield, McMurray & Cernish,

Attorneys for the Choctaw and Chickasaw Nations,
South McAlester, Indian Territory.

Gentlemen:

You are hereby advised that on the 24th day of October, 1902, the Commission to the Five Civilized Tribes rendered a decision in the case of Jacob M. Garland, et al., applicants for identification as Mississippi Choctaws.

This application was made under the provision of the act of Congress of June 28, 1898, (30 Stat., 495) which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto, and make report to the Secretary of the Interior."

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Jacob M. Garland, Jasper Garland, Minnie B. Garland, William O. Garland, Albert Garland and Alonzo Garland as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the application for their identification as such, should be refused, and it is so ordered."

You are further advised that the principal applicant in this case has been allowed fifteen days from the date hereof within

M. McM. & C.----2

which to file arguments in this office, and that at the expiration of said time the papers in the case, together with such arguments, will be forwarded for review to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

(SIGNED)

Acting Chairman.

COPY

M.C.R. 5850

Muskogee, Indian Territory, October 24, 1902.

Jacob M. Garland,

Okra, Indian Territory.

Dear Sir:

You are hereby advised that on the 24th day of October, 1902, the Commission to the Five Civilized Tribes rendered a decision in the case of Jacob M. Garland, et al., applicants for identification as Mississippi Choctaws.

This application was made under the provision of the act of Congress of June 28, 1896, (30 Stat., 495) which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto, and make report to the Secretary of the Interior."

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Jacob M. Garland, Jasper Garland, Minnie B. Garland, William O. Garland, Albert Garland and Alonzo Garland as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the application for their identification as such should be refused, and it is so ordered."

You are further advised that you will be allowed fifteen days from the date hereof within which to file arguments in this office, and that at the expiration of said time the papers in the

J.M.G.---2

case together with such arguments will be forwarded for review to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

(SIGNED)

Acting Chairman.

Registered.

5363
Miss. Choctaw R5580

Muskogee, Indian Territory, November 7, 1902.

Jacob M. Garland,

Okra, Indian Territory,

Dear Sir:

Receipt is hereby acknowledged of your letter of October 23, asking the status of your application for the identification of yourself and your minor children as Mississippi Choctaws and in reply you are advised that on October 24, 1902, the Commission rendered its decision refusing your said application, and on the same date you were notified thereof, and advised that you would be allowed fifteen days from that date within which to submit argument in your case for the consideration of the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

Acting Chairman.

COPY.

Muskogee, Indian Territory, November 10, 1902.

The Honorable,

The Secretary of the Interior.

Sir:

There is transmitted herewith the record in the case of Jacob M. Garland, et al., applicants for identification as Mississippi Choctaws, including the decision of the Commission of October 24, 1902.

The Commission has the honor to report that the principal applicant in this case and the attorneys for the Choctaw and Chickasaw Nations have been duly advised by letter of the action of the Commission, copies of said letters being attached to the record.

Respectfully,

(SIGNED)

James D. Kirby

Through the
Commissioner of Indian Affairs.

Acting Chairman.

1 enclosure, M C R 5650

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DEPARTMENT OF THE INTERIOR,

Office of Indian Affairs,

Washington, January 17, 1903.

The Honorable,

The Secretary of the Interior.

Sir:

I have the honor to submit herewith for your consideration, record of the Commission to the Five Civilized Tribes, in the matter of the application of Jacob M. Garland, for the identification of himself, and his five minor children, Jasper, Minnie B., William O., Albert and Alonzo Garland, wherein a decision adverse to the applicants was rendered by the Commission on October 24, 1902.

The record in this case shows that the parties base their claim to identification on their descent from one John Garland, whom they claim was a member of the Choctaw tribe of Indians in Mississippi in 1830, and as such complied or attempted to comply with the provisions of the 14th article of the Choctaw treaty of 1830.

The Commission rejected the applicants on the ground that its records failed to show that the ancestor under whom they

claim did comply or attempt to comply with the provisions of the 14th article of the Choctaw treaty.

An examination of the records of this office shows that there was a John Garland a member of the Choctaw tribe of Indians in Mississippi in 1830, and that he was a beneficiary under the 19th article of the treaty. The testimony in this case mentions other Garlands, James and Samuel as being relatives of John Garland. James Garland was a beneficiary under the 19th article of the treaty, and Samuel was a beneficiary under the 19th article and the supplement. John Garland emigrated to the Choctaw Nation, Indian Territory, with the general emigration arriving there February 11, 1832, James, Silas and Samuel also emigrated at the same time.

It being shown that the ancestor under whom these applicants claim was a beneficiary under the 19th article of the Choctaw treaty and not the 14th, and the identification of Mississippi Choctaws being limited to claims under the 14th article, it is evident that there is no authority to identify these applicants in this case.

There is also enclosed a letter from Jacob M. Garland of October 30, 1902, which was submitted to this office on November 11, 1902, for consideration in connection with the main case. This letter throws no new light on the subject, but merely indicates that Mr. Garland understands that sufficient evidence was

-3-

not produced by him, and that because of the insufficiency of the evidence he was rejected and for no other reason.

In the light of the facts given herein it is apparent that any additional evidence Mr. Garland may have seen fit to submit, would not have aided him in the prosecution of this claim. I recommend that the decision of the Commission rejecting the applicants be approved.

Very respectfully,

W. A. Jones,
Commissioner.

H.B.H.(E.)

D.C.No.4307-1903.

(COPY)

J.W.H.

DEPARTMENT OF THE INTERIOR.

HAF.

Washington.

ITD.494-1903.
L R S

February 7, 1903.

Commission to the Five Civilized Tribes,
Muskogee, I. T.

Gentlemen:

November 10, 1902, you transmitted the record in the matter of the application for identification as Mississippi Choctaws, of Jacob M. Garland and his minor children, Jasper, Minnie B., William O., Albert and Alonzo Garland, together with your decision of October 24, 1902, adverse to the applicants.

The applicants claim to be descendants of one John Garland, who is alleged to have been a half blood Choctaw Indian.

It appears from the testimony furnished by these applicants that they have failed to show that they or any of their alleged ancestors ever complied or attempted to comply, in person or by proxy, with the provisions of article 14 of the treaty of September 27, 1830, or with the subsequent acts relating thereto. It further appears that the records of the government in your possession, as well as those in the Indian Office, fail to show that any person whatever, bearing the name of any of said ancestors, ever complied or attempted to comply with said article or acts. The Department is therefore of the

opinion that the testimony now before it does not warrant the identification of these applicants as Mississippi Choctaws.

Reporting in the matter January 17, 1903, the Commissioner of Indian Affairs recommends that your action be approved. The Department concurs therein, and your decision is accordingly confirmed.

A copy of the Commissioner's letter is inclosed.

Respectfully,

(Signed)

Thos. Ryan,

Acting Secretary.

1 inclosure.

COPY.

Muskogee, Indian Territory, February 21, 1903.

Mansfield, McMurray & Cornish,

Attorneys for the Choctaw and Chickasaw Nations,
South McAlester, Indian Territory.

Gentlemen:

You are hereby notified that on the 7th day of February, 1903, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the case of Jacob M. Garland, et al., of which decision you were advised by mail on the 24th day of October, 1902.

Respectfully,

SIGNED

Tame Dixby.
Chairman.

COPY

Muskogee, Indian Territory, February 21, 1903.

Jacob M. Garland,

Okma, Indian Territory.

Dear Sir:

You are hereby notified that on the 7th day of February, 1903, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the case of Jacob M. Garland, et al., of which decision you were advised by registered mail on the 24th day of October, 1902.

Respectfully,

SIGNED

Tame Bixby.

Chairman.

Muskogee, Indian Territory, April 9, 1904.

J. K. Garland,

Okra, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of your letter of March 22, 1904, by reference from the Secretary of the Interior. Therein you make certain statements regarding your Choctaw ancestors; that you are a Choctaw by blood and do not see why you are called a Mississippi Choctaw.

In reply to your letter you are informed that on June 21, 1902, you appeared before this Commission and made application for the identification of yourself and your five minor children, Jasper, Minnie B., Wm. O., Albert and Alonso Garland, as Mississippi Choctaws, claiming your rights to such identification by reason of being descendants of one John Garland, who is alleged to have been an one-half blood Choctaw Indian. On October 24, 1902, the Commission rendered a decision refusing said application and on November 10, 1902, the record in your case, together with the decision of the Commission refusing the application made by you for the identification of yourself and minor children as Mississippi Choctaws was forwarded to the Secretary of the Interior.

J. M. G., 2.

On February 7, 1903, the Secretary of the Interior approved the decision of the Commission refusing the above mentioned application, of which Departmental action you were duly notified on February 21, 1903.

The Commission requires of applicants for identification as Mississippi Choctaws that they not only show that they are possessed of Choctaw blood, but that they must also show that they are descendants of Choctaw ancestors who resided in the old Choctaw Nation, in the States of Mississippi and Alabama, in 1830, and that such ancestors complied or attempted to comply with the provisions of article 14 of the Choctaw treaty of 1830, or subsequently had their claims arising thereunder adjudicated by either of the two commissions authorized for this purpose by the acts of Congress approved March 3, 1837, and August 23, 1842. No proof of this character has been submitted in support of your claim.

The Commission now considers your case closed, and is without authority to receive or consider any further evidence in support thereof.

Respectfully,

Commissioner in Charge.

For Identification as a Mississippi Choctaw.

Date _____
Name *Jacob M. Garland*
Age *50* Blood *1/8*

Post-Office, *Johnsonville, I. T.*

Father: *Erasmus Hamilton Garland d*

Mother: *Jane Adams L*

Claims through *father*
wife Sarah Garland L
no claim for wife

For self & _____

Children.

<i>Jasper Garland</i>	<i>16</i>
<i>John</i>	
<i>Minnie B</i>	<i>12</i>
<i>Wm O.</i>	<i>9</i>
<i>Albert</i>	<i>6</i>
<i>Alonzo</i>	<i>2</i>

Stenographer *A. G. McMillan*

Choctaw MCR 5851

Ben Henderson

MCR 5851

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

---o---

In the matter of the application of Ben Henderson for
identification as a Mississippi Choctaw, M.C.R. 5851.

---o---

Herein is the record in the matter of the application
of Ben Henderson for identification as a Mississippi Choctaws.

---o---

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

---0---

In the matter of the application of Ben Henderson for
identification as a Mississippi Choctaw, M.C.R. 5851.

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Commission to the Five Civilized Tribes,
Anklers, Indian Territory.

In the matter of the enrollment of Ben Henderson as a citizen
by blood of the Choctaw Nation; being sworn and examined by
Commissioner McKennon he testifies as follows, to-wit:

- Q What is your ~~name~~ name? Q Ben Henderson? A Yes sir.
Q How old are you? A I am twenty-one and a few months.
Q You say you are a full-blood Choctaw? A Yes sir.
Q You came from Mississippi to the Territory in 1893?
A Yes sir.
Q Have you been living here since that time? A Yes sir.
Q You were in Oklahoma at school for a time, how long?
A Last September.
Q How long did you remain here after you came in 1893?
A Three or four months I guess, and then went into Oklahoma and
there
have been in school ever since and returned here last September.
Q You have never been enrolled as a Choctaw?
A No sir.
Q You admitted by the act of council? A No sir.
Q Nor by the tribal authorities? A No sir.
Q You speak the Choctaw language? A Yes sir.
(Capt. McK: And he speaks good English.)

Department of the Interior,
Commission to the Five Civilized Tribes.

I hereby certify, upon my official oath as
in and to the named Commission, that this
is a correct translation of

W. D. Green

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.
Atoka, I.T. December 8th, 1900.

Choctaw Nation

vs. NoD. 159.

Ben Henderson

In the matter of the application of Ben Henderson for enrollment as a citizen of the Choctaw Nation.

On December 6th, 1900, at a session of the Commission to the Five Civilized Tribes at Atoka, Indian Territory, the above entitled cause being called for further hearing, and the Choctaw Nation appearing by its counsel Mr. Melvin Cornish, and the applicant appearing in person, the following proceedings were had, viz:

MR. CORNISH: As I understand it now, this is a case in which sufficient testimony has already been taken. As I understand it this man is on no tribal rolls, but he came up from Mississippi or some place.

MR. BIXBY: (Acting Chairman of Commission) Mr. Henderson, is there any testimony you desire to introduce? A Yes, sir; I have a witness.

Isaac Simpson, being sworn by Acting Chairman Bixby, and examined, testified as follows: (Examination conducted through Mr. Peter Maytubby, duly sworn interpreter.)

Q What is your name? A Isaac Simpson.
Q How old are you? A Forty-three.
Q Where do you live? A Antlers, I. T.
Q How long have you lived in the Indian Territory A About eleven years.
Q Are you a Choctaw Indian? A Yes, sir.
Q Is your name on the rolls? A Yes, sir.
Q Have you always been recognized as a Choctaw Indian? Have you been recognized as a Choctaw Indian since you came to this country? A Yes, sir; he has always been recognized as a Choctaw.
Q Do you know Ben Henderson? A Yes, sir; he knows him.
Q How long have you known him? A He has known him ever since he was quite a boy.
Q Did you know him in Mississippi? A Yes, sir.
Q What was the name of his father? A Adam Henderson.
Q Is he living? A Dead.
Q What was his mother's name? A Nancy.
Q Is she living? A Both of them dead he says.
Q Were Adam and Nancy Choctaw Indians? A Yes, sir.
Q Did they ever live in this country? A No, sir.
Q Were they ever recognized as Choctaw Indians in Mississippi?
A Yes, sir; Choctaws.
Q Did the Choctaws recognize them as being Choctaw Indians?
A Yes, sir.
Q Do you know whether or not Ben Henderson ever applied to the Choctaw authorities for enrollment? A Yes, sir; he applied.
Q Was he accepted or rejected by the tribal authorities?
A He was enrolled, he said.
Q When was he enrolled? A He don't know exactly but he said he was enrolled at Antlers.
Q Who was he enrolled by? A He said he didn't know, but Lewis Badie was there.

2.

Q Were you present when Ben was enrolled? A He was there he said.

Q What year was that? A He says he don't know. He says he don't know but it was five years ago.

Q He thinks about five years ago? A He says he don't know, he thinks about that.

Q I suppose you have no very clear idea of the run of time, have you? A He says he is not an educated man, and he didn't think about this thing being up again, and so he don't know.

Q Did Adam Henderson have any other name excepting Henderson? A He had a Choctaw name, he said.

Q What was the Choctaw name? A He says he has ~~for~~ forgotten it, it has been so long since he has been dead.

Q Did Nancy have a Choctaw name? A She also had a Choctaw name too, but he has forgotten that one too. Adam's father was Apisantibbi, was the Choctaw name.

Q Were you acquainted with Nancy? A Yes, sir.

Q And with Adam? A Yes, sir.

Q They were full blood Choctaw Indians, were they? A They were full bloods, yes, sir.

Cross-examination waived.

Witness excused.

-----o-----

BEN HENDERSON, being sworn and examined by Acting Chairman Bixby, testified as follows:

Q What is your name? A Ben Henderson.

Q How old are you? A About twenty-three, I believe.

Q Where do you live? A Antlers.

Q How long have you lived in Antlers? A About three years I guess.

Q Where did you come from to Antlers? A From Oklahoma Territory, from the college.

Q What college? A Sacred Heart College.

Q Where did you live before living in Oklahoma? A I lived in Mississippi.

Q Were you born in Mississippi? A Yes, sir.

Q What was your father's name? A Adam Henderson.

Q What was your mother's name? A Nancy.

Q They were Choctaw Indians were they? A Yes, sir.

Q Did you ever claim or receive any benefits under the 14th article of the treaty of 1830? A No, sir.

Q Did any of your ancestors? A Well, no--well, my grandmother, when the Choctaws first came over here you know, she was very young, and she was the only one that came over here, and she got some money, I believe, and went back.

Q Did your grand mother or your grandfather or your father or mother ever take advantage of the provisions of the 14th article of the treaty of 1830? A That was the time the Choctaws first came over here?

Q That was before they came over here. A Well, I don't know about that.

Q Did your father have an Indian name? A Yes, sir.

Q What was it? Can you spell it? A Yes, sir. I-m-o-n-a-b-i.

Q Did your mother ever have an Indian name? A Yes, sir.

Q What was your mother's Indian name? A Kaha.

Q What was your grandfather's name? A Apisantabbi.

Q Did your grandmother have an Indian name? She did of course?

A Yes, sir.

Q What was your grandmother's Indian Name? A Illahona.

Q Do you know what district your parents or your grandparents belonged to in Mississippi? A Nashoba County.

Q I mean what district. That was in the United States division. You don't know the Indian district? A No, sir.

Q Do you know the name of the captain of the district your parents or grandparents belonged to? A No, I don't believe I do.

Q Do you think of anything Mr. Henderson that you could say to enlighten us on this question? You understand we are endeavoring to identify you as a Mississippi Choctaw. Where did you live in Mississippi? A In Nashoba County.

Q What post office? A Tucker.

Q When did you leave there? A I ~~ix~~ left there in 1893.

Q Where have you been since that time? A In the Oklahoma Territory.

Q What kind of a school was that you were in? A That was a Catholic school.

Q How did you come to go to that school? A Why the catholic priest from Mississippi sent me to that school.

Q Now, when did you come here? A In 1897.

Q That was after you got out of school? A Yes, sir.

Q Do you know any people back in Mississippi? A Yes, sir.

Q Do you have correspondence with any of them back in Mississippi? A Yes, sir.

Q The Commission will be at Hattiesburg, Mississippi on December 17th. A That is away down south towards New Orleans.

Q It won't be near your people, will it? A No, sir.

Q The Mississippi Choctaws, you know, must claim under the 14th article of the treaty of 1830, and we are directed by the law to identify such Choctaws as may possibly claim under that treaty of the year 1830, the 14th article, and it will be necessary for you to make some showing as to the basis of your claim. I don't think of anything we can do at this time. The fact that you are in this country and have some Choctaw blood is not sufficient for us to enroll you as a Choctaw Indian. You must either have tribal enrollment or substantiate your claim as a Mississippi Choctaw.

Witness excused.

---o---

The undersigned, being sworn, states that as stenographer to the Commission to the Five Civilized Tribes he correctly reported all proceedings in this case, and that the foregoing is a correct, true and complete transcript of his stenographic notes thereof.

Subscribed and sworn to before me this 7th day of December 1900.

[Signature]
Acting Chairman.

Department of the Interior.
Commission to the Five Civilized Tribes.
Muskogee, Indian Territory.
April 30, 1903.

Additional Testimony.

In the matter of the application of Ben Henderson for
identification as a Mississippi Choctaw.

Ben Henderson being first duly sworn testified as follows:

Examination by the Commission:

- Q What is your name? A Ben Henderson.
Q What is your age? A I am about twenty-four or twenty-five.
Q What is your postoffice address? A Antlers.
Q Indian Territory? A Yes sir.
Q How long have you lived at Antlers? A Since 1897; about six or seven years, I guess.
Q Where did you live before that? A I lived in Mississippi and left there in 1893 and went to Oklahoma, stayed there until 1897, then came to Indian Territory.
Q Were you born in Mississippi? A Yes sir.
Q Lived there all your life until you went to Oklahoma in 1893? A Yes sir.
Q What is your father's name? A My father's name? Adam Bob.
Q Did he also go by the name of Adam Henderson? A Yes sir.
Q Is he living? A No sir.
Q Was he a full blood Choctaw? A Yes sir.
Q What is your mother's name? A Before when I went to the Dawes Commission I said Nancy, but they have it Nelsie, I think.
Q Is she a full blood Choctaw? A Yes sir.
Q Do you know the name of Adam Bob's father? A No sir, I don't know.
Q Do you know the name of Adam Bob's mother? A No sir. I don't know.
Q Do you know the name of Nancy or Nelsie Bob's father or mother? A Her mother's name was Polly or Ahbelchona.
Q Is she living? A Yes sir, she is living.
Q Is she a full blood Choctaw? A Yes sir.
Q All of your people have always been full blood Choctaws? A Yes sir.
Q You have, prior to this time, made application to the Commission have you not, for enrollment as a citizen by blood of the Choctaw Nation, and for identification as a Mississippi Choctaw? A Yes sir.

- Q Your purpose in appearing before the Commission at this time is to give additional evidence in your case? A Yes sir.
- Q Do you claim your Choctaw blood through both your father and mother? A Yes sir.
- Q And you claim to be a full blood Choctaw? A Yes sir.
- Q Were your parents through whom you claim your right to identification as a Mississippi Choctaw ever recognized in any manner or enrolled as members of the Choctaw tribe of Indians by the Choctaw tribal authorities or by the authorities of the United States? A No sir.
- Q Are you married? A No sir.
- Q Have you ever been married? A No sir.
- Q You are just claiming for yourself alone? A Yes sir.
- Q Is your name found upon any of the tribal rolls of the Choctaw Nation in Indian Territory? A No sir, I don't think so.
- Q Did you, or any one for you, ever make application to the Choctaw tribal authorities in Indian Territory to be enrolled as a member of that tribe? A No sir.
- Q The application you made in 1899 and in 1900 before the Commission for citizenship in the Choctaw Nation and for identification as a Mississippi Choctaw is the only application that you have ever made to be enrolled as a citizen of the Choctaw Nation? A Yes sir.
- Q Do you know whether any of your ancestors ever received any land in Mississippi from the government of the United States? A Well, yes, my father and brother owned land down there from the government.
- Q Do you know where that land was located? A Yes sir, it was about nine or ten miles south of Philadelphia in Neshoba County, Mississippi. My uncle has sold it now, just lately.
- Q Who obtained that land from the government? A Well I don't know; I could not tell you who.
- Q You simply know your father used to own that land? A Yes sir.
- Q How old would your father be if living now? A Forty-five or fifty I guess.
- Q You don't know from which parent he obtained this land; which one of his parents got this land from the government? A No sir.
- Q But you do know that all of your ancestors have always been full blood Choctaw Indians? A Yes sir.
- Q Do you speak and understand the Choctaw language? A Yes sir.

This applicant has the appearance of being a full blood Indian; he speaks and understand the Choctaw language and also speaks and understands English.

The applicant offers in evidence affidavits of Aug. Breck, Boyd Bob and Isaac Simpson; also argument of Eugene Easton, Attorney for applicant; and the same are filed, marked Exhibits "A", "B", "C" and "D" respectively, and made a part of the record herein.

Beryl Ingram, being duly sworn upon her oath states that as stenographer to the Commission to the Five Civilized Tribes she reported in full all the proceedings had in the above entitled cause on the 30th day of April, 1903; and that the above and foregoing is a full, true and correct transcript of her stenographic notes of said proceedings on said date.

Subscribed and sworn to before me this 30th day of April, 1903.

Charles H. Sanger

Notary Public.

The State of Mississippi,)
Neshoba County.)

Personally appeared before me Howell I. Quinn, and acting Justice of the Peace, in and for District No. one, of said State and County, the undersigned, George Pope, a Choctaw and Bouyd Bob, a Choctaw, who after being duly sworn by me, says that they know Ben Henderson of Sucky, (who was formerly a student for Bishop Heslin in Sacred Heart Monastery, O.T.) and that the said Ben Henderson is a Choctaw by blood and entitle to rights in the Indian Territory.

Hib
George X Pope, Ind.
H. J. M. 7/11
Bouyd Bob, Ind.
man

Sworn to and subscribed to before me, this the 18th, day of March, A. D. 1901.

Howell I. Quinn,
Justice of the Peace.

Endorsed on backas follows:-

F I L E D

July 18, 1901.

Tams Bixby,
Acting Chairman.

10512

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

FILED

JUL 18 1901



ACTING CHAIRMAN

The State of Mississippi }
Neshoba County } Personall^y ap-

peared before me
Howell I. Quinn, an acting Justice of
the Peace, in and for District No. one of
said State and County, the undersigned George
Pope, a Choctaw, and Boyd Bob a Choctaw,
Who after being duly sworn by me, says
that they know Ben Henderson, or Sucky,
(who was formerly a student for Bishop Heist in
in Sacred Heart Monastery, C. D.) and that
the said Ben Henderson is a Choctaw by
blood, and entitle to rights in the Indian
Territory

George ^{his} Pope, Ind.

Boyd ^{his} Bob, Ind.

Sworn to and subscribed to before me this the
18th day of March A.D. 1901.

Howell I. Quinn,

5 Justice of the Peace.

1. The first part of the document is a letter from the President of the United States to the President of the Senate, dated January 1, 1877. The letter is signed by Rutherford B. Hayes and is addressed to Charles Schreyer. The letter is a copy of a letter that was sent to the President of the Senate by the President of the United States. The letter is a copy of a letter that was sent to the President of the Senate by the President of the United States.

1851. 1852. 1853. 1854. 1855. 1856. 1857. 1858. 1859. 1860. 1861. 1862. 1863. 1864. 1865. 1866. 1867. 1868. 1869. 1870. 1871. 1872. 1873. 1874. 1875. 1876. 1877. 1878. 1879. 1880. 1881. 1882. 1883. 1884. 1885. 1886. 1887. 1888. 1889. 1890. 1891. 1892. 1893. 1894. 1895. 1896. 1897. 1898. 1899. 1900. 1901. 1902. 1903. 1904. 1905. 1906. 1907. 1908. 1909. 1910. 1911. 1912. 1913. 1914. 1915. 1916. 1917. 1918. 1919. 1920. 1921. 1922. 1923. 1924. 1925. 1926. 1927. 1928. 1929. 1930. 1931. 1932. 1933. 1934. 1935. 1936. 1937. 1938. 1939. 1940. 1941. 1942. 1943. 1944. 1945. 1946. 1947. 1948. 1949. 1950. 1951. 1952. 1953. 1954. 1955. 1956. 1957. 1958. 1959. 1960. 1961. 1962. 1963. 1964. 1965. 1966. 1967. 1968. 1969. 1970. 1971. 1972. 1973. 1974. 1975. 1976. 1977. 1978. 1979. 1980. 1981. 1982. 1983. 1984. 1985. 1986. 1987. 1988. 1989. 1990. 1991. 1992. 1993. 1994. 1995. 1996. 1997. 1998. 1999. 2000. 2001. 2002. 2003. 2004. 2005. 2006. 2007. 2008. 2009. 2010. 2011. 2012. 2013. 2014. 2015. 2016. 2017. 2018. 2019. 2020. 2021. 2022. 2023. 2024. 2025. 2026. 2027. 2028. 2029. 2030. 2031. 2032. 2033. 2034. 2035. 2036. 2037. 2038. 2039. 2040. 2041. 2042. 2043. 2044. 2045. 2046. 2047. 2048. 2049. 2050. 2051. 2052. 2053. 2054. 2055. 2056. 2057. 2058. 2059. 2060. 2061. 2062. 2063. 2064. 2065. 2066. 2067. 2068. 2069. 2070. 2071. 2072. 2073. 2074. 2075. 2076. 2077. 2078. 2079. 2080. 2081. 2082. 2083. 2084. 2085. 2086. 2087. 2088. 2089. 2090. 2091. 2092. 2093. 2094. 2095. 2096. 2097. 2098. 2099. 2100. 2101. 2102. 2103. 2104. 2105. 2106. 2107. 2108. 2109. 2110. 2111. 2112. 2113. 2114. 2115. 2116. 2117. 2118. 2119. 2120. 2121. 2122. 2123. 2124. 2125. 2126. 2127. 2128. 2129. 2130. 2131. 2132. 2133. 2134. 2135. 2136. 2137. 2138. 2139. 2140. 2141. 2142. 2143. 2144. 2145. 2146. 2147. 2148. 2149. 2150. 2151. 2152. 2153. 2154. 2155. 2156. 2157. 2158. 2159. 2160. 2161. 2162. 2163. 2164. 2165. 2166. 2167. 2168. 2169. 2170. 2171. 2172. 2173. 2174. 2175. 2176. 2177. 2178. 2179. 2180. 2181. 2182. 2183. 2184. 2185. 2186. 2187. 2188. 2189. 2190. 2191. 2192. 2193. 2194. 2195. 2196. 2197. 2198. 2199. 2200. 2201. 2202. 2203. 2204. 2205. 2206. 2207. 2208. 2209. 2210. 2211. 2212. 2213. 2214. 2215. 2216. 2217. 2218. 2219. 2220. 2221. 2222. 2223. 2224. 2225. 2226. 2227. 2228. 2229. 2230. 2231. 2232. 2233. 2234. 2235. 2236. 2237. 2238. 2239. 2240. 2241. 2242. 2243. 2244. 2245. 2246. 2247. 2248. 2249. 2250. 2251. 2252. 2253. 2254. 2255. 2256. 2257. 2258. 2259. 2260. 2261. 2262. 2263. 2264. 2265. 2266. 2267. 2268. 2269. 2270. 2271. 2272. 2273. 2274. 2275. 2276. 2277. 2278. 2279. 2280. 2281. 2282. 2283. 2284. 2285. 2286. 2287. 2288. 2289. 2290. 2291. 2292. 2293. 2294. 2295. 2296. 2297. 2298. 2299. 2300. 2301. 2302. 2303. 2304. 2305. 2306. 2307. 2308. 2309. 2310. 2311. 2312. 2313. 2314. 2315. 2316. 2317. 2318. 2319. 2320. 2321. 2322. 2323. 2324. 2325. 2326. 2327. 2328. 2329. 2330. 2331. 2332. 2333. 2334. 2335. 2336. 2337. 2338. 2339. 2340. 2341. 2342. 2343. 2344. 2345. 2346. 2347. 2348. 2349. 2350. 2351. 2352. 2353. 2354. 2355. 2356. 2357. 2358. 2359. 2360. 2361. 2362. 2363. 2364. 2365. 2366. 2367. 2368. 2369. 2370. 2371. 2372. 2373. 2374. 2375. 2376. 2377. 2378. 2379. 2380. 2381. 2382. 2383. 2384. 2385. 2386. 2387. 2388. 2389. 2390. 2391. 2392. 2393. 2394. 2395. 2396. 2397. 2398. 2399. 2400. 2401. 2402. 2403. 2404. 2405. 2406. 2407. 2408. 2409. 2410. 2411. 2412. 2413. 2414. 2415. 2416. 2417. 2418. 2419. 2420. 2421. 2422. 2423. 2424. 2425. 2426. 2427. 2428. 2429. 2430. 2431. 2432. 2433. 2434. 2435. 2436. 2437. 2438. 2439. 2440. 2441. 2442. 2443. 2444. 2445. 2446. 2447. 2448. 2449. 2450. 2451. 2452. 2453. 2454. 2455. 2456. 2457. 2458. 2459. 2460. 2461. 2462. 2463. 2464. 2465. 2466. 2467. 2468. 2469. 2470. 2471. 2472. 2473. 2474. 2475. 2476. 2477. 2478. 2479. 2480. 2481. 2482. 2483. 2484. 2485. 2486. 2487. 2488. 2489. 2490. 2491. 2492. 2493. 2494. 2495. 2496. 2497. 2498. 2499. 2500. 2501. 2502. 2503. 2504. 2505. 2506. 2507. 2508. 2509. 2510. 2511. 2512. 2513. 2514. 2515. 2516. 2517. 2518. 2519. 2520. 2521. 2522. 2523. 2524. 2525. 2526. 2527. 2528. 2529. 2530. 2531. 2532. 25

1. The first part of the paper is devoted to the study of the properties of the function $f(x)$ defined by the equation

PRIOR
 ED TRIBES.
 CHAIRMAN.

OF THE IN
FIVE-CIVIL
LED
1903

DEPARTMENT OF THE ARMY
OFFICE OF THE CHIEF OF STAFF
WASHINGTON, D. C. 20315

1017

$\frac{d}{dt} \left(\frac{1}{\rho} \right) = - \frac{1}{\rho^2} \frac{d\rho}{dt}$

1888. Schilling.

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES.
FILED
APR 4 1903

CHAIRMAN.

Indian Territory

Central Judicial District

Affidavit of Ben Henderson

I Ben Henderson on oath state that I am a Choctaw Indian by blood and am ~~also~~ a fullblood Choctaw Indian, that I moved to the Choctaw-Nation from Mississippi before the Twenty-eight day of June Eighteen-hundred and ninty eight, that I have continuously resided in said Choctaw Nation since the day of ~~1877~~ *1877* that I have heretofore applied to the Dawes Commission or to the Commission to the five civilized Tribes for enrollment as a member of said tribe by blood, that I was informed by a member (Ithink Hon Tams Bixby) of said Commission that I must apply as a Mississippi Choctaw ,that in persuance of said instructions I did apply as such and my evidence was taken down at Atoka by said Commission during its sitting in Atoka for the enrollment of Mississippi Choctaw Indians. That on the ~~20th~~ *20th* day of March 1903, I received a letter dated at Muscogee Indian Territory on Febuary 2d 1903, notifying me that I must appear before said Commission on or before the 25 th day of March 1903 in order that my application might be considered for identification as a Mississippi Choctaw ,said letter was signed by Tams.

Bixby acting Chairman. That before said notice was received ~~the~~ *xx* ~~the~~ *xx* ~~time had expired~~ *for me to appear in obedience to said*

notice. That having been twice before said Commission, I had no idea that it was again necessary to again appear until I received the above mentioned letter, and when it was ~~received~~ *received* that the failure to get said notice is no fault of affiant and that his rights should not be prejudiced thereby, that he asks that a day ~~be~~ *Ben Henderson* certain be set for a hearing of his cause

Subscribed and sworn to before me this the 27th day of March 1903

J. D. Purus
Natary Public

Department of the Interior.
Commission to the Five Civilized Tribes.
Muskogee, Indian Territory.
April 30, 1903.

Additional Testimony.

In the matter of the application of Ben Henderson for
identification as a Mississippi Choctaw.

Ben Henderson being first duly sworn testified as follows:

Examination by the Commission:

- Q What is your name? A Ben Henderson.
Q What is your age? A I am about twenty-four or twenty-five.
Q What is your postoffice address? A Antlers.
Q Indian Territory? A Yes sir.
Q How long have you lived at Antlers? A Since 1897; about six
or seven years, I guess.
Q Where did you live before that? A I lived in Mississippi and
left there in 1893 and went to Oklahoma, stayed there until
1897, then came to Indian Territory.
Q Were you born in Mississippi? A Yes sir.
Q Lived there all your life until you went to Oklahoma in 1893?
A Yes sir.
Q What is your father's name? A My father's name? Adam Bob.
Q Did he also go by the name of Adam Henderson? A Yes sir.
Q Is he living? A No sir.
Q Was he a full blood Choctaw? A Yes sir.
Q What is your mother's name? A Before when I went to the
Dawes Commission I said Nancy, but they have it Nelsie, I think.
Q Is she a full blood Choctaw? A Yes sir.
Q Do you know the name of Adam Bob's father? A No sir, I don't
know.
Q Do you know the name of Adam Bob's mother? A No sir. I don't
know.
Q Do you know the name of Nancy or Nelsie Bob's father or mother?
A Her mother's name was Polly or Ahbelehona.
Q Is she living? A Yes sir, she is living.
Q Is she a full blood Choctaw? A Yes sir.
Q All of your people have always been full blood Choctaws?
A Yes sir.
Q You have, prior to this time, made application to the Commission
have you not, for enrollment as a citizen by blood of the Choctaw
Nation, and for identification as a Mississippi Choctaw?
A Yes sir.

- Q Your purpose in appearing before the Commission at this time is to give additional evidence in your case? A Yes sir.
- Q Do you claim your Choctaw blood through both your father and mother? A Yes sir.
- Q And you claim to be a full blood Choctaw? A Yes sir.
- Q Were your parents through whom you claim your right to identification as a Mississippi Choctaw ever recognized in any manner or enrolled as members of the Choctaw tribe of Indians by the Choctaw tribal authorities or by the authorities of the United States? A No sir.
- Q Are you married? A No sir.
- Q Have you ever been married? A No sir.
- Q You are just claiming for yourself alone? A Yes sir.
- Q Is your name found upon any of the tribal rolls of the Choctaw Nation in Indian Territory? A No sir, I don't think so.
- Q Did you, or any one for you, ever make application to the Choctaw tribal authorities in Indian Territory to be enrolled as a member of that tribe? A No sir.
- Q The application you made in 1899 and in 1900 before the Commission for citizenship in the Choctaw Nation and for identification as a Mississippi Choctaw is the only application that you have ever made to be enrolled as a citizen of the Choctaw Nation? A Yes sir.
- Q Do you know whether any of your ancestors ever received any land in Mississippi from the government of the United States? A Well, yes, my father and brother owned land down there from the government.
- Q Do you know where that land was located? A Yes sir, it was about nine or ten miles south of Philadelphia in Neshoba County, Mississippi. My uncle has sold it now, just lately.
- Q Who obtained that land from the government? A Well I don't know; I could not tell you who.
- Q You simply know your father used to own that land? A Yes sir.
- Q How old would your father be if living now? A Forty-five or fifty I guess.
- Q You don't know from which parent he obtained this land; which one of his parents got this land from the government? A No sir.
- Q But you do know that all of your ancestors have always been full blood Choctaw Indians? A Yes sir.
- Q Do you speak and understand the Choctaw language? A Yes sir.

This applicant has the appearance of being a full blood Indian; he speaks and understand the Choctaw language and also speaks and understands English.

The applicant offers in evidence affidavits of Aug. Breck, Boyd Rob and Isaac Simpson; also argument of Eugene Easton, Attorney for applicant; and the same are filed, marked Exhibits "A", "B", "C" and "D" respectively, and made a part of the record herein.

Beryl Ingram, being duly sworn upon her oath states that as stenographer to the Commission to the Five Civilized Tribes she reported in full all the proceedings had in the above entitled cause on the 30th day of April, 1903; and that the above and foregoing is a full, true and correct transcript of her stenographic notes of said proceedings on said date.

Subscribed and sworn to before me this 30th day of April, 1903.

Beryl Ingram
E. Charles H. Sample
 Notary Public.

State of Mississippi.
County of *Neeshoba*.

Affidavit of
Ben Henderson

I *Boyd Bob*

on oath state that I
am a Choctaw Indian by blood and reside in *Neeshoba* County ⁱⁿ Mississippi
that I am *48* years old. That I was acquainted with the Father and
Mother of Ben Henderson the applicant for membership in the Choctaw
tribe of Indians. Thier Indian name was *Adam Bob & Nelsie Bob*
I know that they owned and occupied land in *Neeshoba* County ⁱⁿ Mississippi
that they came into possession of by virtue of thier being Choctaw
Indians of the full blood and by virtue of the Treaties made by
said tribe with the United States of America. Ben Henderson, s parents
are both dead. his grand Mother Polly *Abiliana* is still living
but is verry old and feeble, she lives in the aforesaid County and
state and is an Indian of full blood. I am acquainted with Ben Hen-
derson, he left this Country in the Summer of 1898 for the Choctaw
Nation, and I understand has ever since resided in said Nation.

Witness
A. H. Webb
J. B. Quinn

Boyd ^{this} *Bob* Seal
mark

Subscribed and sworn to before me this the *14* day of *April* 1903

H. I. Quinn, J.P.

Proficio Notary Public.

FILED

APR 30 1903

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CHAIRMAN

1992

• 5R1

Indian Territory .

Affidavit of Aug Breek.

Central Judicial District.

My name is Aug Breek I am the Priest in Charge of the Catholic Indian Mission of Tucker Mississippi, and am temporarily in the Indian Territory looking after the affairs of some of my Indian friends and members of my Church. I know the applicant Ben Henderson, and know him to be a Choctaw Indian by blood, and I know that his father was a Choctaw Indian by blood as well as his mother he was known as Adam Bob, some of the family were known as Sooky or Sukey Adam Bob, and his brothers Boyd, Alex, and Morris Bob owned and occupied land of their own in Neeshoba County Mississippi, Boyd Alex and Morris Bob have recently sold the land preparatory to moving to the Choctaw Nation, Alex and Morris Bob uncles of Ben Henderson are now located at or near Kiowa in the Choctaw Nation. I am well acquainted with Polly Ahalihona the grand mother of Ben Henderson and know her to be a Choctaw Indian by blood, and know her to be the grand mother of said Ben Henderson. These people claim that they received the land that they owned ^{in Mississippi} from the Government by virtue of their being Choctaw Indians by blood, and I believe that such is the fact.

Aug Breek

Subscribed and sworn to before me this 27 day of April A D 1903.

H. R. Cocke

Notary Public

Ex C

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES
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APR 30 1903

CHARMA

Indian Territory

Affidavit of ~~xxxxxx~~ Isaac Simpson.

Central Judicial District.

My name is Isaac Simpson I reside in Kiametia County Choctaw Nation and near Antlers. I am acquainted with Ben Henderson the applicatn for Citizenship in our Tribe , I know him to be a Choctaw Indian by blood ,I know that he come to Antlers in the fall of 1897, and has resided here ever since that date. I understand that Ben Henderson left Mississippi in 1897 and come to this Country. I did not know his Mother or Father ,but I know his Grand-Mother whose name is Polly ~~thixx~~ ~~thixx~~ ~~xx~~ Abialihona. she is a full blood Choctaw Woman and is the Mother of Ben Hendersons mother . I am informed that Polly Ben Hendersons Grand-Mother is still living, and resides near Philadelphina Mississippi.

I am a full blood Choctaw Indian , I ^{am} related to Ben Henderson by marriage ,two of my brothers married kinfolks of said Ben Henderson.

Isaac Simpson

Seal.

Subscribed and sworn to before me this the 20th day of April 1903

*{ My commission
expires May 20th 1903 }*

*A. J. Amate
Notary Public*

Ex D.

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE-CIVILIZED TRIBES
FILED
APR 30 1903

CHAIRMAN

Ben Henderson Applicant

vs

The Choctaw Tribe of Indians

In making a statement of this case, we will do our best to confine ourselves to rec~~ord~~ facts. That Ben Henderson is a full blood Choctaw Indian there can be no doubt. The main doubt in this case as I see it is Ben's inability to give his Indian name, but that is of common occurrence among these people, a large number of them cannot tell the names of Father or Mother. from the best information that can be obtained Ben Henderson's Father was named Adam Bob, and his mother Netsie or Nelsie. The affidavit of Boyd Bob, who is an Uncle of Ben Henderson and brother of Ben's Father, states in said Affidavit that the Grand Mother Polly Abalihona is still living, and it may be possible that "Abalihona" was the Indian name of Henderson's father. We have made the most diligent search to find the real Indian name of Henderson, both among the Indians of this Country and Mississippi, and have failed to find anything more than that which has been presented to the Commission. We have been informed that there is a Catholic Priest yet living, who was with these Indians in Mississippi for the past Thirty-five years, and through him we might find out the true name of Henderson. We presume that the Commission is fully satisfied on the Indian name as Boyd Bob Ben Henderson's uncle and all of Ben's kinsmen who reside in Mississippi have been enrolled by your Honorable Commission, and they have received notices to that effect, and if his kinsmen who reside out of the Choctaw Nation are entitled to enrollment, we can not see any reason why Ben Henderson should be excluded, as thier proof is his proof, and in addition to the proof already offered and on file Ben Shows that he has been a bona fide resident of the Choctaw Nation since September 1897. Another feature in this case that should appeal to the Commission is the entire absence of any scheme or idea on the part of Henderson to use his Citizenship for immediate gain, he is a bona fide resident, and an Indian by blood, he left his native Country in 1893, and lived in Oklahoma at School until his removal to this place in 1897. Henderson of course expects to gain by virtue of his membership in his tribe, but he is one of the few Indians who want his lands for his own benefit, and in an honest way, and not for purposes of speculation, this is now his only home, and to be deprived of his interests, would to our way of thinking be unjust and unfair.

I would especially call your attention to the proff in the cases of Boyd Bob, Morris Bob, and Alex Bob who were the brothers of Ben Henderson's father, they I have been informed have been enrolled as members of the Choctaw Tribe, and we ask that the evidence in thier cases be taken as a part of the evidence in this case. We also call your attention to the affidavit of Rev Father Breck, who is the Priest in charge of the Indian Mission at Tucker Mississippi. Beleiving that upon a full hearing of the facts in this case that the applicant will be admitted as prayed for. I further ask that should there be any other evidence needed in this case that you indicate what is wanted, and if procurable, it will be furnished. This applicant is poor and unable to go to large expenses, and as your Hon Commission is here for the purpose of enrolling the real Indians I respectfully ask that you indicate what further testimony is needed if any, and set a day in which it can be filed if that offered is not sufficient.

Respectfully &c

Ben Henderson

12

Atty for Applicant

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

---o---

In the matter of the application of Ben Henderson for
identification as a Mississippi Choctaw, M.C.R. 5851.

--- D E C I S I O N ---

It appears from the record herein that application for
identification as a Mississippi Choctaw was made to this Com-
mission on December 6, 1900, by Ben Henderson for himself, under
the following provision of the act of Congress approved June 28,
1898 (30 Stats., 495):

"Said Commission shall have authority to determine the
identity of Choctaw Indians claiming rights in the Choctaw
lands under article fourteen of the treaty between the United
States and the Choctaw Nation, concluded September twenty-
seventh, eighteen hundred and thirty, and to that end may ad-
minister oaths, examine witnesses and perform all other acts
necessary thereto and make report to the Secretary of the
Interior."

From the evidence submitted in support of said application
it appears that the applicant herein is a full-blood Mississippi
Choctaw Indian.

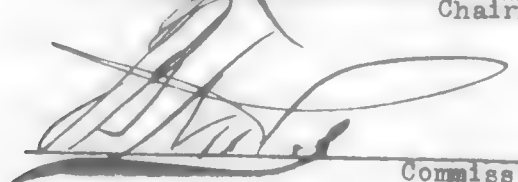
Section forty-one of the act of Congress entitled "An Act
To ratify and confirm an agreement with the Choctaw and Chicka-
saw Nations September 25, 1902, provides as follows:

"The application of no person for identification as a Mississippi Choctaw shall be received by said Commission after six months subsequent to the date of the final ratification of this agreement and in the disposition of such applications all full-blood Mississippi Choctaw Indians and the descendants of any Mississippi Choctaw Indians whether of full or mixed blood who received a patent to land under the said fourteenth article of the said treaty of eighteen hundred and thirty who had not moved to and made bona fide settlement in the Choctaw-Chickasaw country prior to June twenty-eighth, eighteen hundred and ninety-eight, shall be deemed to be Mississippi Choctaws, entitled to benefits under article fourteen of the said treaty of September twenty-seventh, eighteen hundred and thirty, and to identification as such by said Commission, but this direction or provision shall be deemed to be only a rule of evidence and shall not be invoked by or operate to the advantage of any applicant who is not a Mississippi Choctaw of the full blood, or who is not the descendant of a Mississippi Choctaw who received a patent to land under said treaty, or who is otherwise barred from the right of citizenship in the Choctaw Nation, all of said Mississippi Choctaws so enrolled by said Commission shall be upon a separate roll."

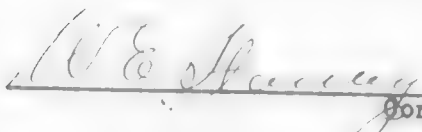
It is, therefore, the opinion of this Commission that Ben Henderson should be identified as a Mississippi Choctaw, and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.


Chairman.


Commissioner.


Commissioner.


Commissioner.

Muskogee, I.T.,

JUL 11 1903

Wiscasset, Indian Territory,

August 14th, 1900.

Ben Henderson;

Atlers, Indian Territory,

Dear Sir:

You are hereby notified that the Choctaw Nation, through its
attorney, Messrs. Glennon, Westfield, McMurray, & Cornish, has
filed a petition for a writ of habeas corpus to your court at
Atlers, Indian Territory.

The petition, which was filed on August 10th, 1900, alleges that
atlers, Indian Territory. Atlers, Indian Territory, and the Choctaw
Nation are hereby notified of the petition and its contents and are
requested to appear and file their answer thereto.

Very truly,
Your obedient servant,

Acting Chairman.

7-0-119.

Muskogee, Indian Territory, October 18, 1900.

Ben Henderson,

Antlers, Indian Territory.

Dear Sir:

The Commission is in receipt of your letter of the 12th instant in the matter of the protest filed to your enrollment as a citizen of the Choctaw Nation by the representatives of that Nation.

You state in your letter that you came to the Indian Territory at your own expense and speak the Choctaw language and that you are in every manner a Choctaw Indian by blood.

You desire to be informed as to what is the best procedure for you to take in the matter of your enrollment and whether it will be necessary for you to hire a lawyer or not and as to what will be required of you to prove up your rights as a citizen of the Choctaw Nation.

You are informed that the Commission cannot advise you whether it is necessary for you to obtain the services of an attorney to represent you in your claim for enrollment as a citizen of the Choctaw Nation. That is a matter which you will have to consider and determine for yourself. Nor can the Commission inform you as to what proof it will be necessary for you to furnish before the Commission to be enrolled as a citizen of the Choctaw Nation.

The Commission heard your application when you appeared at Antlers on May 15th, 1899 and from your testimony given at that time it appears that you removed from Mississippi to the Choctaw Nation in 1893 but since that time and up to September, 1898, had

W. H. 2--

been at school in Oklahoma. The Commission in enrolling citizens of the Choctaw Nation is only empowered to enroll such applicants whose names appear upon the tribal rolls of the Choctaw Nation or who have been admitted to citizenship in that Nation by the authorities of that Nation or by this Commission, acting under the law of June 10th, 1896, or by the United States Court for the Indian Territory on appeal from the decision of the tribal authorities of the Choctaw Nation or the decision of this Commission.

It appears from your testimony that your name is not on any of the tribal rolls of the Choctaw Nation, neither have you been admitted to citizenship in that Nation by either the authorities of the Nation or by the authorities of the United States.

The fact that you are a Choctaw by blood and speak the Choctaw language, does not empower the Commission to enroll you as a citizen of the Choctaw Nation in the Indian Territory, and pending the final disposition of your case, your name has been placed upon the doubtful list of claimants to citizenship in the Choctaw Nation.

The representatives of the Choctaw Nation object to your final enrollment as a citizen of the Choctaw Nation and you were so notified by this Commission and also that the Commission would hear any additional testimony or evidence you might desire to offer in your case at the session of the Commission at Atoka, Indian Territory, beginning December 3rd, 1900.

If it is your intention to further prosecute your claim to citizenship in the Choctaw Nation, you are informed that the Commission will, at the session at Atoka above referred to, allow

B. H. S--

you to give further testimony and to bring any witnesses to
testify in your behalf if you desire.

Yours truly,

Acting Chairman.

7-D-159

Vuskogee, Indian Territory, December 29, 1900.

Easton & Stewart,

Attorneys at Law,

Antlers, Indian Territory.

Dear Sirs:

The Commission is in receipt of your letter of the 25th instant in which you state that Ben Henderson, a Mississippi Choctaw who was before the Commission at Atoka, has informed you that he has been instructed by the Commission that in order to be enrolled as a member of the Choctaw tribe of Indians, that he must return to Mississippi for enrollment.

You now request to be informed if such was the Commission's instruction to him.

The Commission informed Mr. Henderson at the time of his appearance at Atoka, that not having been enrolled as a citizen of the Choctaw Nation by the tribal authorities or having been admitted to citizenship either by the tribal authorities of the Choctaw Nation or by this Commission or by the United States Courts in the Indian Territory on appeal from the decision of the Choctaw tribal authorities or the decision of this Commission, that the Commission was without authority to enroll him as a citizen of the Choctaw Nation but advised that he make application for identification as a Mississippi Choctaw, and that the Commission would be at Hattiesburg, Mississippi, from December 17th to 22nd, 1900, for that

purpose. He was further informed that Mississippi Choctaws must claim under the fourteenth article of the treaty of 1830 and that the Commission is directed by the law to identify such Choctaws as may possibly claim under that treaty of the year 1830 and that it would be necessary for Mr. Henderson to make some showing as to the basis of his claim. He was further informed that the fact that he was a Choctaw Indian in the Choctaw Nation and had Choctaw blood was not sufficient for the Commission to enroll him as a Choctaw Indian but that he must either have tribal enrollment or substantiate his claim as a Mississippi Choctaw.

The appointment of the Commission in Mississippi terminated on December 22nd, 1900 and if Mr. Henderson desires to make application for identification as a Mississippi Choctaw claiming rights as a beneficiary under the fourteenth article of the treaty of 1830, the Commission will hear him at an office to be established at Atoka, Indian Territory, January 1st, 1901, for this purpose.

In the identification of Mississippi Choctaws, the Commission requires that the applicants show proof either by themselves or by their ancestors of compliance with the provisions of the article of the treaty above referred to.

Yours truly,

Acting Chairman.

Muskogee, Indian Territory, July 18, 1901.

Messrs Easton & Stewart,
Attorneys At Law,
Antlers, Indian Territory,

Gentlemen:-

Receipt is hereby acknowledged of your letter of the 8th, instant, enclosing joint affidavit of George Pope and Bouyd Bob offered by you for filing in the matter of application for identification as Mississippi Choctaws and for enrollment as a citizen of the Choctaw Nation of Ben Henderson.

The same has been duly filed with the other papers in this case and will receive the consideration of the Commission in the disposition of the claim of this applicant.

Yours truly,

7-D-189.

Acting Chairman.

Miss. Choctaw R5851

Muskogee, Indian Territory, July 3, 1902.

Eugene Easton,

Attorney at Law,

Antlers, Indian Territory,

Dear Sir:

Receipt is hereby acknowledged of your letter of June 29, asking the present status of the Ben Henderson citizenship claim.

In reply to your letter you are advised that no decision has yet been reached nor opinion rendered relative to the rights of this applicant to identification as a Mississippi Choctaw. As soon as a decision is reached he will be notified of the action of the Commission and of the forwarding of the record in his case to the Secretary of the Interior for review.

Yours truly,

Commissioner in Charge.

MISSISSIPPI
HENRY L. DAVIS
JAMES B. ...
THOMAS H. N. ...
C. R. BREKING

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES

M C R 5851

ALBION T. AYER, JR.
SPECIAL AGENT

Muskogee, Indian Territory, January 29, 1903.

William O. Beull,

Clerk in Charge,

Choctaw-Chickasaw Enrollment Division.

Dear Sir-

There has been transmitted to the Mississippi Choctaw Legal Department an application numbered M C R 5851, with instructions to prepare a decision identifying the applicant as a full-blood Mississippi Choctaw.

The record in this case shows that the applicant, Ben Henderson, made application for enrollment as a citizen by blood of the Choctaw Nation, and it does not appear that application for identification as a Mississippi Choctaw was ever made by him, and even though the record was sufficient to consider this application as being one for identification as a Mississippi Choctaw, there is some doubt as to his being a full-blood Choctaw. It is therefore considered impossible to prepare a decision identifying the applicant as a full-blood Mississippi Choctaw upon the record now in the possession of this Department, and the record is therefore returned to the files for such action as may be deemed necessary.

Yours truly,

*Information
Requested 7/13*

Chas von Weiz

Chectaw D 159
M C R 5851.

Muskegee, Indian Territory, February 2, 1903.

Ben Henderson,

C/o Eugene Easton, attorney at law,
Antlers, Indian Territory.

Dear Sir-

It appears from the records of the Commission that during the month of May, 1899, you appeared before the Commission at Antlers, Indian Territory, and made application for enrollment as a citizen by blood of the Chectaw Nation; that on December 8, 1900, further testimony was taken in this case at Antlers, Indian Territory, and at that time the Commission informed you that as your name did not appear upon any of the tribal rolls of the Chectaw Nation in the possession of the Commission, the Commission was without authority to enroll you as a citizen by blood of the Chectaw Nation, and that such claim as you might have would be to identification as a Mississippi Chectaw.

Section forty-one of the act of Congress entitled "An Act To ratify and confirm an agreement with the Chectaw and Chickasaw tribes of Indians, and for other purposes", approved July 1, 1902, (32 Stats., 641), and ratified by the Chectaw and Chickasaw Nations September 25, 1902, provides as follows:

"The application of no person for identification as a Mississippi Chectaw shall be received by said Commission after

six months subsequent to the date of the final ratification of this agreement and in the disposition of such applications all full-blood Mississippi Choctaw Indians, and the descendants of any Mississippi Choctaw Indians whether of full or mixed blood who received a patent to land under the said fourteenth article of the said treaty of eighteen hundred and thirty who had not moved to and made bona fide settlement in the Choctaw-Chickasaw country prior to June twenty-eighth, eighteen hundred and ninety-eight, shall be deemed to be Mississippi Choctaws, entitled to benefits under article fourteen of the said treaty of September twenty-seventh, eighteen hundred and thirty, and to identification as such by said Commission, but this direction or provision shall be deemed to be only a rule of evidence and shall not be invoked by or operate to the advantage of any applicant who is not a Mississippi Choctaw of the full blood, or who is not the descendant of a Mississippi Choctaw who received a patent to land under said treaty, or who is otherwise barred from the right of citizenship in the Choctaw Nation, all of said Mississippi Choctaw so enrolled by said Commission shall be upon a separate roll."

In order that your application may be considered as one for identification as a Mississippi Choctaw, it will be necessary that you present yourself at the office of the Commission, at Muskegee, Indian Territory, on some day prior to March 25, 1903, for examination under oath as to your right thereto, as the present record in your case is not sufficient to identify you as a Mississippi Choctaw entitled to rights in the Choctaw lands under the provisions of article fourteen of the treaty of eighteen hundred and thirty, and the provision of law above quoted.

Yours truly,

Acting Chairman

Muskogee, Indian Territory, April 7, 1903.

Ben Henderson,
c/o Eugene Easton,
Antlers, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of your affidavit, dated March 27, 1903, wherein you allege that the letter of the Commission, dated February 2, 1903, granting you until March 25, 1903, within which to make personal appearance before this Commission to testify further relative to your right to be identified as a Mississippi Choctaw, did not reach you until after the expiration of the time granted therein, and asking that a day certain be set for hearing additional evidence in support of your case.

You are hereby notified that you will be allowed up to and inclusive of May 1, 1903, within which to introduce additional testimony in your case.

Respectfully,

Commissioner in Charge.

Lad.
21198-1903.

DEPARTMENT OF THE INTERIOR,
OFFICE OF INDIAN AFFAIRS,
WASHINGTON, April 10, 1903.

The Honorable,

The Secretary of the Interior.

Sir:

There is enclosed herewith a communication from Rev. W.H.Ketcham, Director of the Bureau of Catholic Missions, dated April 13, 1903, forwarding a letter addressed to Ben Henderson by the Commission to the Five Civilized Tribes, on February 2 last.

Ben Henderson is an applicant for enrollment as a citizen by blood of the Chectaw Nation, and Rev. Mr. Ketcham states in his communication that he has known said applicant for a number of years; regards him as a worthy young man; that he has always been under the impression that the applicant is entitled to enrollment; that about two years ago the applicant wrote him, stating that he had been informed by some one on the Commission that he would have to go back to Mississippi for identification as a Mississippi Chectaw; that it was impossible for the applicant to go to Mississippi, and that he wrote to reliable parties in Mississippi for affidavits of identification, which affidavits were received and forwarded to the applicant. He does not

remember the tenor of the affidavits, but has written to procure such information.

On February 2, 1903, the Commission advised Ben Hendersen that it would be necessary for him to be present at the Commission's office in Muskegeprie prior to March 25, 1903, for examination under oath as to his right to identification as a Mississippi Choctaw. It does not seem from the papers that Ben Hendersen complied with the Commission's instructions. In his affidavit, which was forwarded by Rev. Mr. Ketcham, it is stated that before the Commission's notice was received, and before the applicant could get the necessary money to pay his transportation and other expenses, the time had expired. It is also set forth in the affidavit that in accordance with ^{one} the instructions of the Commissioners the applicant applied for identification as a Mississippi Choctaw, and that his "evidence was taken down at Ateka by said Commission during its sitting in Ateka".

If the applicants' statements are correct, it would seem that he made application for identification as a Mississippi Choctaw prior to the expiration of six months from September 25, 1902, the date of the ratification of the Choctaw and Chickasaw supplemental agreement, and that the Commission has authority to permit the applicant to introduce such evidence tending to establish his right to identification as a Mississippi Choctaw, as he may desire.

It is recommended, however, that all the papers be referred to the Commission for consideration and early report.

Very respectfully,

A.C. Tenner,

Acting Commissioner.

GAW-O.

M.C.R. 5851

COPY.
Muskogee, Indian Territory, July 11, 1903.

Ben Henderson,

Antlers, Indian Territory.

Dear Sir:

Enclosed herewith you will find a copy of the decision of the Commission to the Five Civilized Tribes, rendered July 11, 1903, identifying you as a Mississippi Choctaw Indian under the provisions of Section 41 of the Act of Congress approved July 1, 1902, (32 Stats., 642).

If you remove to the Choctaw-Chickasaw country, Indian Territory, before January 11, 1904, you will have six months from that date or until July 11, 1904, within which to make proof of such removal and settlement at the office of the Commission at Atoka, Choctaw Nation or Tishomingo, Chickasaw Nation.

Respectfully,

(SIGNED)

T. B. Needles.
Commissioner in Charge.

Registered.

Enc. 5851

M.C.R. 5851

COPY.

Muskogee, Indian Territory, July 11, 1903.

Mansfield, McMurray & Gornish,
Attorneys for the Choctaw and Chickasaw Nations,
South McAlester, Indian Territory.

Gentlemen:

Enclosed herewith you will find a copy of the decision of the Commission rendered July 11, 1903, identifying Ben Henderson as a Mississippi Choctaw Indian under the provisions of the forty-first section of the act of Congress approved July 1, 1902, (32 Stats., 641).

You are hereby advised that you will be allowed fifteen days from the date, hereof, in which to file with this Commission such protest as you desire to make against the action of the Commission in identifying the said Ben Henderson as a Mississippi Choctaw and make satisfactory proof of service of said protest upon the applicant herein.

If you fail to file such protest within the time allowed the name of the applicant herein will be placed upon the schedule of duly identified Mississippi Choctaws now being prepared by this Commission.

Respectfully,

Registered.
Enc. 5851

I. B. McCales.

Commissioner in Charge.

D.C.25512.
ITD.3732-1903.
L.R.S.

J.W.H.
C.R.

DEPARTMENT OF THE INTERIOR,
WASHINGTON/

September 10, 1903.

The Commission

to the Five Civilized Tribes.

Gentlemen:

The Department is in receipt of a communication dated April 3, 1903, from the Bureau of Catholic Missions, Washington, D.C., signed by William H. Ketcham, Director, relative to the application of Ben Henderson (MOR 5851 Chectaw D 159) for identification as a Mississippi Chectaw and enrollment as a citizen of the Chectaw Nation. Said communication was forwarded April 10, 1903, by the Acting Commissioner of Indian Affairs.

It seems that Ben Henderson is a full blood Chectaw who removed from Mississippi to the Indian Territory in September, 1897; that he appeared before you in May, 1899, and in December, 1900, for the purpose of being enrolled as a citizen of the Chectaw Nation; that his application was denied because his name did not appear upon any of the tribal rolls in your possession; and that he was informed that such claim as he might have should be made as a Mississippi Chectaw.

It further appears that on February 2, 1903, you addressed a letter to Mr. Henderson, quoting section 41 of the

act approved July 1, 1902 (32 Stat., 641), and informing him that it would be necessary to present himself at the office of the Commission, at Muskogee, Indian Territory, on some day prior to March 25, 1903, for examination under ~~Watkins~~ to his right to be identified as a Mississippi Choctaw.

In said report of April 10 the Acting Commissioner expresses the opinion that if the applicant's statements are correct it would seem that he made application for identification as a Mississippi Choctaw, prior to the expiration of six months from September 25, 1902, and that you therefore have authority to permit the applicant to introduce such evidence tending to establish his right to identification as a Mississippi Choctaw, as he may desire. The Acting Commissioner therefore recommended that the papers be referred to you for consideration and report.

It is considered that if the facts are as stated above then Henderson is one of those Indians whose identification as a Mississippi Choctaw was contemplated by the statute. The mere fact that he was ignorant of the distinction made between a Choctaw by blood and a Mississippi Choctaw ought not and cannot operate to defeat his right. When he appeared before you at the dates above stated, it was within your authority to enter his application of your own motion as a Mississippi Choctaw. Such action should have been taken by you. It is, therefore, desired that you consider Mr. Henderson's

application as that of a Mississippi Choctaw, made at the date when he last appeared before you, and proceed to investigate his case as soon as practicable, taking whatever steps may be necessary on your part to determine whether or not he is a full blood Mississippi Choctaw, also informing him that he will be permitted to appear before you in person and present such evidence as he may desire to furnish in support of his application, or may be required by you in connection therewith.

A copy of the Acting Commissioner's letter is inclosed.

Respectfully,

Thos. Ryan,

Acting Secretary.

1 inclosure

Muskogee, Indian Territory, September 29, 1903.

The Honorable,

The Secretary of the Interior.

Sir:

Receipt is hereby acknowledged of departmental letter of September 10, 1903 (I T D 3792-1903), referring to a communication of April 3, 1903, from the Bureau of Catholic Missions, Washington, D. C., signed by William H. Ketcham, Director, relative to the application of Ben Henderson for identification as a Mississippi Choctaw and enrollment as a citizen of the Choctaw Nation. Said communication was forwarded to the Department April 10, 1903, with a communication of the Acting Commissioner of Indian Affairs (Land 2198-1903).

The Department in its letter of September 10, 1903, states that Ben Henderson is apparently a full blood Choctaw who removed from Mississippi to the Indian Territory, in September, 1897; that he appeared before the Commission in May, 1899, and again in December, 1900, for the purpose of being enrolled as a citizen of the Choctaw Nation; that his application was denied because his name did not appear upon any of the tribal rolls in the possession of the Commission; and that he was informed that such claim as he might have should be made as a Mississippi Choctaw that on Febru-

ary 2, 1903, a letter was addressed to Mr. Henderson by the Commission, quoting section 41 of the Act of Congress approved July 1, 1902 (32 Stats., 641), and informing him that it would be necessary for him to present himself at the office of the Commission at Muskogee, Indian Territory, on some day prior to March 25, 1903, for examination under oath as to his right to be identified as a Mississippi Choctaw.

In his report of April 10, 1903, the Acting Commissioner of Indian Affairs expresses the opinion that if the applicant's statement was correct it would seem that he made application for identification as a Mississippi Choctaw prior to the expiration of six months from September 25, 1902, and that the Commission therefore has authority to permit the applicant to introduce such evidence tending to show his right to identification as a Mississippi Choctaw as he may desire. The Acting Commissioner therefore recommended that the papers be referred to the Commission for consideration and report.

The Department in its letter of April 10, 1903, used the following language:

"It is considered that if the facts are as stated above then Henderson is one of those Indians whose identification as a Mississippi Choctaw was contemplated by the statute. The mere fact that he was ignorant of the distinction made between a Choctaw by blood and a Mississippi Choctaw ought not and cannot operate to defeat his rights. When he appeared

before you at the dates stated above, it was within your authority to enter his application of your own motion as a Mississippi Choctaw. Such action should have been taken by you. It is, therefore, desired that you consider Mr. Henderson's application as that of a Mississippi Choctaw, made at the date when he last appeared before you, and proceed to investigate his case as soon as practicable, taking whatever steps may be necessary on your part to determine whether or not he is a full blood Mississippi Choctaw, also informing him that he will be permitted to appear before you in person and present such evidence as he may desire to furnish in support of his application, or may be required by you in connection therewith."

Replying to departmental communication the Commission has to report that at Antlers, Choctaw Nation, Indian Territory, during the month of May, 1899, when the Commission was hearing applications of persons for enrollment as citizens by blood and intermarriage of the Choctaw and Chickasaw Nations, and applications for enrollment as Choctaw and Chickasaw freedmen, one Ben Henderson, then eighteen or twenty years of age, representing himself to be a full blood Choctaw Indian, appeared before Commissioner Morrenson and testified that he was a full blood Choctaw and came from Mississippi to the Indian Territory in 1893; that shortly thereafter he removed to Oklahoma where he attended school until September, 1898, when he returned to the Choctaw Nation, Indian Territory; that he had never been enrolled by the Choctaw tribal authorities as a citizen of the Choctaw Nation nor admitted to Choctaw citizenship by the National Council or any of the tribal authorities or the Commission to the Five Civilized Tribes.

No disposition was made of the application made by Ben Henderson at that time, but subsequently, at Atoka, Indian Territory, on December 6, 1900, additional testimony was taken relative to the status of the applicant, Ben Henderson. The boy was apparently ignorant of any rights he might have as being the descendant of a Choctaw Indian who had complied with the provisions of the fourteenth article of the Choctaw treaty of 1830. On July 18, 1901, he filed with this Commission the joint affidavit of George Pope and Boyd Bob to the effect that they were full blood Choctaw Indians and were personally acquainted with Ben Henderson (or Sucky) in the state of Mississippi and that he was a full blood Choctaw Indian.

Subsequent to the ratification of the Act of Congress of July 1, 1902 (32 Stats., 641), and on February 2, 1903, Ben Henderson was advised of the approval of that Act, and quoted section 41 thereof, and informed that it would be necessary for him to present himself at the office of the Commission at Muskogee, Indian Territory, on some day prior to March 25, 1903, for examination under oath as to his rights to identification as a Mississippi Choctaw, for the reason that the record then before the Commission was not sufficient upon which to determine his rights as such.

Henderson did not appear prior to March 25, 1903, the date

when the authority of the Commission to receive original applications for identification as Mississippi Choctaws expired, but on that date, in order to give him the benefits of the provisions of the 41st section of the Act of Congress of July 1, 1902, such testimony as he had theretofore given before the Commission was transferred to our Mississippi Choctaw records for consideration as an application for identification as a Mississippi Choctaw.

On April 30, 1903, Henderson did appear before the Commission at this office, and his testimony at that time, together with certain affidavits and depositions that he presented, was conclusive to the fact that he was a full blood Choctaw Indian who had removed from Mississippi to the Indian territory, but who had never been recognized by the Choctaw tribal authorities as a citizen thereof.

After a consideration of all the evidence submitted by Henderson, the Commission, on July 11, 1903, rendered a decision identifying him as a full blood Choctaw Indian and as such entitled to identification as a Mississippi Choctaw under the provisions of the 41st section of the Act of Congress approved July 1, 1902.

The attorneys for the Choctaw and Chickasaw Nations were, on July 11, 1903, furnished with a copy of this decision and advised that they would be allowed fifteen days from that date within which to file such protest as they might desire against the action

of the Commission in identifying Ben Henderson as a Mississippi Choctaw. No such protest was filed by the attorneys for the Choctaw and Chickasaw Nations, and on September 1, 1903, the Commission transmitted to the Department a schedule of duly identified full blood Mississippi Choctaw Indians, numbered 1736 to 1913 inclusive, including the name of Ben Henderson, twenty-one years of age, a full blood Choctaw Indian, whose name appears opposite No. 1862. This schedule of identified Mississippi Choctaws was approved by the Secretary of the Interior September 14, 1903.

Ben Henderson having been identified by the Commission to the Five Civilized Tribes as a Mississippi Choctaw and having been so reported to the Department, and the report being approved by the Secretary of the Interior, he is now, under our rules and regulations, entitled to a selection of land in the Choctaw and Chickasaw Nations equal in value to three hundred and twenty acres of the average allottable land of these two tribes.

Respectfully,

Commissioner in Charge.

Through the Commissioner
of Indian Affairs.

No. 5851

For Identification as a Mississippi Choctaw.

Date May, 15, 1899
Name Ben Henderson.
Age 21 Blood Full.
Post-Office, Antlers, Ind. Ter.
Father: Adam Henderson
Mother: Nancy Henderson
Claims through both parents.

Children:

Claims for self alone.
"See Mississippi Choctaw
card # 558".

Stenographer

MEMORANDUM.

Choctaw Case No. R 159

Date Dec. 9, 1900
Name Ben. Henderson

Age
Post-Office:

~~Children~~ Testimony of
Isaac Simpson
Ben. Henderson

Stenographer Wm. S. Wellhear

Received of the Commission to the "Free Burial"
I enclose one copy of my testimony of even date
in my application for identification
Wm Choutaw

Ben. J. H. H. H.
Applicant

Choctaw MCR 5852

George W. Chambers

See MCR 5670

MCR 5852

Department of the Interior.
Commission to the Five Civilized Tribes.
Muskogee, I. T., June 23rd, 1902.

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In the matter of the application of George W. Chambers for the identification of himself and his minor child, William Jefferson Chambers, as Mississippi Choctaws.

B. Heard attorney for applicant.

George W. Chambers being first duly sworn testified as follows:

Examination by the Commission:

- Q What is your name? A George W. Chambers.
Q How old are you? A Thirty-seven.
Q How much Choctaw blood do you claim to have? A One-eighth.
Q What is your post office address? A Inere, Texas.
Q What county? A Coryell County. (Reference to U. S. Postal Guide shows Inere to be in Lampasas County)
Q How long have you lived in the state of Texas? A I have lived there---let me see---about thirty years; no, not hardly that; about twenty-seven years.
Q Where did you live before you went to Texas? A Arkansas.
Q Born there? A No sir, I was born in Missouri.
Q Never lived in the Indian Territory? A No sir, not only a short time.
Q How long? A I have been in Indian Territory six months at a time.
Q What Nation? A In the Choctaw.
Q Is your father living? A Yes sir.
Q What is his name? A Jasper.
Q Jasper Chambers? A Yes sir.
Q Is your mother living? A Yes sir.
Q What is her name? A Elizabeth.
Q Through which one of your parents do you derive your Choctaw blood? A Father.
Q Has he been before this Commission? A Yes sir, I suppose so.
Q When? A I don't know exactly the date.
Q Where was your father born? A In Kentucky I believe.
Q About how old a man is he? A He's seventy-three.
Q Did you ever hear of his having lived in the state of Mississippi? A No sir.
Q Never lived there to your knowledge? A Not that I know anything of.
Q Through which one of his parents did he get his Choctaw blood?

#2.

- A His mother.
- Q What was her name? A Before she was married to his father?
- Q Yes sir? A Harper.
- Q What is her given name? A Lucinda.
- Q Lucinda Harper? A Yes sir.
- Q According to your statement Lucinda must have been one-half blood Choctaw? A Supposed to be.
- Q She ever live in Mississippi to your knowledge? A I don't know sir.
- Q Did you ever hear of any of your Choctaw ancestors ever having lived in Mississippi or Alabama? A I have heard of my great-grandfather Harper being in Mississippi by an old aunt that used to live with me; by her statement.
- Q Do you know when this great-grandfather lived in Mississippi?
- A He was in Mississippi in 1830 according to her statement.
- Q What is her name? A Her name was----At the time she was living with me?
- Q What was her name? A Her name was Katie Ogden.
- Q How old would she be if living now? A If she was living she would be about ninety-two.
- Q Well now was your grandmother Lucinda Harper older or younger than this aunt? A They are about the same age I suppose.
- Q Which do you think was the eldest? A I couldn't say exactly which was the eldest; they are something near the same age.
- Q You never heard of your grandmother having lived in Mississippi?
- A No sir.
- Q She was born, as a matter of fact, up in Kentucky wasn't she?
- A I suppose so.
- Q And she would be somewhere in the neighborhood of ninety-two years old if she was living now? A Supposed to be, yes sir.
- Q Were you ever recognized in any manner or enrolled as a member of the Choctaw tribe of Indians by the Choctaw tribal authorities in Indian Territory? A No sir.
- Q Were any of your Choctaw ancestors ever recognized or enrolled as members of the Choctaw tribe of Indians, to your knowledge?
- A Not that I knew anything of, no sir.
- Q Have you ever made any application of any description before to-day to this Commission? A No sir, I haven't.
- Q Are you married? A I have been married; my wife is dead.
- Q Have you any children? A One child.
- Q What is the name of that child? A William Jefferson.
- Q How old is he? A Five years old the 29th of July.
- Q Next July? A This next July.
- Q Is this child living with you? A No sir, he's living with my father.
- Q Has any application of any description ever been made for this child before to-day for the purpose of establishing his rights as a Choctaw Indian? A No sir, suppose not.
- Q None with your knowledge? A No sir.
- Q How long since this child lived with you? A Ever since it was a year old.
- Q What was the name of the mother of the child? A Name was Decia Barnhill before she was married to me.
- Q She had no Choctaw blood? A No sir.
- Q Were you lawfully married to her? A Yes sir.
- Q Where? A Denton County, Texas, at Denton town.

#2.

- Q When? A I was married there in 1888.
Q When were you married to her? A November 2, 1888.
Q Married under a license? A Yes sir.
Q Have you that license with you? A No sir, I have not.
Q Who married you? A Parson Ratliff.
Q Parson Ratliff, a minister of the gospel? A Yes sir.

It will be necessary that you furnish the Commission with proper evidence of your marriage to Beelia Barnhill for use in the consideration of the application you make in behalf of your minor child. This evidence should be offered within ten days from this date. If you can not get the original license, get a certified copy of it.

- Q This application then is for yourself and one minor child; is that correct? A Yes sir.
Q Were your father and mother lawfully married? A Yes sir, I suppose so.
Q How long have they lived together as husband and wife?
A I declare I couldn't tell you.
Q About how long? A Something over fifty years though.
Q Is your name or the name of this child for whom you make application to be found on any of the Choctaw tribal rolls in Indian Territory? A No sir.
Q You never have made any application either in your own behalf or in behalf of this child, to the Choctaw tribal authorities in Indian Territory, to be admitted or enrolled as members of that tribe? A No sir.
Q Did you or any one for you in the year 1896 make application to the Commission to the Five Civilized Tribes for citizenship in the Choctaw Nation under the act of Congress of June 18, 1896?
A I believe that one of my brothers did.
Q In your behalf? A No, not in my behalf.
Q What is the name of this brother whom you think made application? A W. F. Chambers.
Q W. F. Chambers? A Yes sir, I think he tried to enroll or made an application to that effect.

Records of the Commission fail to show that any application was made in the year 1896 to the Commission to the Five Civilized Tribes in behalf of either W. F. Chambers or George W. Chambers for citizenship in the Choctaw Nation.

- Q You never then have been admitted to citizenship in the Choctaw Nation in Indian Territory, by the Choctaw tribal authorities or the United States authorities? A No sir.
Q You have never been recognized in any manner then as a citizen of the Choctaw Nation? A No sir.
Q Do you appear before the Commission at this time for the purpose of claiming rights in the Choctaw lands in Indian Territory, for yourself and minor child, under the provisions of article fourteen of the treaty of Dancing Rabbit Creek? A Yes sir.

The treaty of Dancing Rabbit Creek was entered into in the state of Mississippi on the 27th day of September, 1830, between the government of the United States and the

Cheetaw tribe of Indians. At the time this treaty was made the Cheetaws lived in the state of Mississippi and along the western edge of the state of Alabama in what was then known as the old Cheetaw Nation. The object of the treaty was to get these Indians to move from the old Cheetaw Nation in Mississippi and Alabama to the new country west of the Mississippi river, part of which is now occupied by the greater part of the Cheetaw tribe and Chickasaws in Indian Territory, commonly known as the Cheetaw and Chickasaw country. At the time this treaty was made some of the Indians were unwilling to leave the old Nation and for the benefit of those who preferred to stay there what is known as the fourteenth article was put into the treaty. That fourteenth article provided that upon certain conditions a Cheetaw who preferred to stay back in the old Cheetaw Nation and not move out to this country, might receive land there in Mississippi. That fourteenth article is as follows:

"Each Cheetaw head of a family being desirous to remain and become a citizen of the states shall be permitted to do so, by signifying his intention to the Agent within six months from the ratification of this treaty, and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land, to be bounded by sectional lines of survey; in like manner shall be entitled to one half that quantity for each unmarried child which is living with him or her ten years of age; and a quarter section to such child as may be under ten years of age, to adjoin the location of the parent. If they reside upon said lands intending to become citizens of the states for five years after the ratification of this treaty, in that case, a grant in fee simple shall issue; said reservation shall include the present improvement of the head of the family, or a portion of it. Persons who claim under this article shall not lose the privilege of a Cheetaw citizen but if they ever remove are not entitled to any portion of the Cheetaw annuity."

- Q You understand that fourteenth article do you? A Yes sir.
- Q Did any of your ancestors ever comply or attempt to comply with its provisions or ever receive any benefits thereunder?
- A I don't know. It may be proven by older ones; I don't know about that; It's supposed that they can; I have heard that they could, but I don't know anything about it.
- Q What one of your Cheetaw ancestors did you ever hear complied with the provisions of the fourteenth article of the treaty of Dancing Rabbit Creek? A John Harper.
- Q Your great-grandfather? A My great-great-grandfather; my father's great-grandfather.
- Q When did he die? A I don't know sir.
- Q Did you ever hear of his ever having gotten any land from the government in Mississippi? A I think I did.
- Q Did you ever hear of Lucinda Harper ever having gotten any land from the government in Mississippi? A No sir.
- Q Do you know whether any of your Cheetaw ancestors within six months after the treaty of Dancing Rabbit Creek was ratified,

#5.

let the Agent of the government in Mississippi for the Choctaws know that they wanted to stay there, become citizens of the states and take land? A No sir, I do not.

Q John Harper was the father of Lucinda Harper? A Yes sir.

Q How much land do you think he got from the government?

A I don't know sir.

Q Did any of your Choctaw ancestors move out to the present Choctaw Nation, Indian Territory, when the greater portion of the Choctaw tribe moved out here between the years 1833 and 1838?

A Not that I know of.

Q Did you ever hear of any other of your Choctaw ancestors except John Harper ever having gotten any land or money from the government? A No sir.

Q You don't know where this land that you heard he got was located do you? A No sir, I do not.

Q Know what became of it? A Of the land? No sir.

In accordance with the provisions of this fourteenth article of the treaty of Dancing Rabbit Creek the government of the United States directed an Agent in the state of Mississippi to register the names of such Choctaws as might desire to remain there and become citizens of the states and take land. The records of the government show that this Agent failed to register and report to the government the names of many Choctaws who did in fact let him know that they wanted to stay and become citizens of the states and take land, and on that account the government at its land sales in Mississippi sold land upon which Choctaws had improvements and which they supposed they would receive under the fourteenth article of the treaty. This caused a great many complaints among the Indians and the matter was finally brought to the attention of Congress, and Congress passed certain acts in the years 1837 and 1842 providing for the appointment of Commissioners whose duty it should be to go down to Mississippi and hear the cases of Choctaws who claimed that they had complied in all respects with the provisions of the fourteenth article of the treaty of Dancing Rabbit Creek but that their land had been sold by the government. These Commissioners were duly appointed by the President of the United States and they proceeded to Mississippi and heard during the time allowed them by the different acts of Congress a great many of these Choctaw cases.

Q Did any of your ancestors appear before any of these Commissioners and attempt to establish their rights under the fourteenth article of the treaty of Dancing Rabbit Creek? A Not that I know of.

The act of Congress approved on the 23rd day of August, 1842, provided that in case it should be finally decided that a Choctaw had complied in all respects with the provisions of this fourteenth article of the treaty of Dancing Rabbit Creek but that his land had been sold by the government, he should be entitled to select in lieu of the land so sold by the government, land someplace else in Mississippi or Alabama, Louisiana or Arkansas, from vacant government land, and should be

given a certificate to that effect. These certificates were called scrip.

- Q Did any of your ancestors ever get any of this scrip from the government under this act of Congress? A Not that I know of.
- Q Do you know of any persons living who would likely know whether any of your ancestors ever complied or attempted to comply with the provisions of this fourteenth article of the treaty of Dancing Rabbit Creek, or ever received any benefits thereunder?
- A No sir.
- Q Do you know of any one who would be likely able to verify your statement as to your ancestor and the amount of Choctaw blood possessed by you? A Not unless it would be my father.
- Q He has already been before the Commission you stated? A Yes sir.
- Q Have you any witnesses here to-day to testify in your behalf?
- A No sir.
- Q Have you any written evidence of any description to offer in support of your application? A No sir.
- Q Do you know of the existence of any written evidence which would prove or tend to prove that any of your ancestors ever complied or attempted to comply with the provisions of the fourteenth article of the treaty of Dancing Rabbit Creek, or ever received any benefits thereunder? A No sir.

If you should find any witnesses whose testimony you desire to have taken in support of this application, they may appear before us here at Muskogee within ten days and their testimony will be taken; or if you should find any written evidence which you desire to offer in support of your application, it will be accepted and considered with your application if received by the Commission within ten days from this date.

- Q Is there anything further you want to say in support of your application? A No sir.
- Q Do you know whether any of your Choctaw ancestors owned an improvement in the old Choctaw Nation in Mississippi and Alabama in the year 1830? A No sir, I do not.
- Q Do you speak or understand the Choctaw language? A No sir.

Reference is made to H' C R 5670, Jasper Chambers, father of applicant, for the purpose of consolidation.

The applicant has the appearance of being a white man; shows no indications of being possessed of Indian blood; he has a light mustache; hair and complexion rather dark; and has dark eyes; doesn't speak or understand the Choctaw language; and he has no knowledge of the compliance of any of his ancestors with the provisions of the fourteenth article of the treaty of Dancing Rabbit Creek.

7.

Albert G. MacMillan, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he reported the proceedings had in the above entitled cause on the 23rd day of June, 1902, and that the above and foregoing is a full, true and correct transcript of his stenographic notes taken in said cause on said date.

Albert G. MacMillan

Subscribed and sworn to before me this 23th day of June, 1902.

Clarence Howard

Notary Public.

M.C.R. 5846
" " " 5852

Muskegee, Indian Territory, October 7, 1903.

Benjamin E. Chambers,
McGee, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of your letter of October 1, asking if you and George W. Chambers have been identified as Mississippi Cheetaws.

In reply to your letter, you are informed it appears from our records that Benjamin E. Chambers and George W. Chambers are applicants to this Commission for identification of themselves and their children as Mississippi Cheetaws, but no decision has yet been reached or opinion rendered relative to their rights to such identification. As soon as a decision is reached in these cases you will be notified of same by the Commission.

Respectfully,

Chairman.

Muskogee, Indian Territory, November 4, 1903.

S. Heard,

Attorney-at-Law,

Tishomingo, Indian Territory.

Dear Sir:

You are hereby advised that the Commission has this day notified George W. Chambers that he will be allowed thirty days from this date in which to submit further evidence in support of the application for himself and minor child for identification as Mississippi Choctaws, and at the expiration of said time this Commission will proceed to render its decision therein and no further evidence will then be received or extension of time granted.

Respectfully,

Chairman.

M C R 5852

Muskogee, Indian Territory, November 4, 1903.

George W. Chambers,
Isora, Texas.

Dear Sir:

You are hereby notified that you will be allowed thirty days from this date in which to submit further evidence in support of the application of yourself and minor child for identification as Mississippi Choctaws, and at the expiration of said time this Commission will proceed to render its decision therein and no further evidence will then be received or extension of time granted.

Respectfully,

Chairman.

Muskogee, Indian Territory, March 19, 1904.

George W. Chambers,
Isoro, Texas.

Dear Sir:

You are hereby advised that on March 4, 1904, the Commission rendered a decision in the consolidated Mississippi Choctaw case of Jasper Chambers, et al., of which the application made by you for the identification of yourself and minor child, William Jefferson Chambers, as Mississippi Choctaws was made a part, refusing said application.

You are further advised that the attorney of record in your case, S. Heard, Tishomingo, Indian Territory, has been furnished with a copy of the decision in this case; that the record will be retained by the Commission for thirty days from the date of the rendition of the decision, and at the expiration of that time will be transmitted, together with such argument and brief as may be submitted by your attorney, to the Secretary of the Interior for his consideration.

Respectfully,

Registered.

Commissioner in Charge.

Muskogee, Indian Territory, April 12, 1905.

G. W. Chambers,

McGee, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of your letter of the 26th ultimo, asking if you are an acknowledged citizen of the Indian tribe.

In reply you are informed that on June 13, 1904, the record in the consolidated Mississippi Choctaw case of Jasper Chambers, et al., of which your application is a part, together with the Commission's decision of March 4, 1904, adverse to all the applicants, was forwarded the Secretary of the Interior and up to the present time this office has not been advised of any departmental action thereon. When a decision is rendered in said case by the Department, you will be notified of the action taken.

Respectfully,

Commissioner in Charge.

M. C. R. 5852.

Muskogee, Indian Territory, June 26, 1905.

George W. Chambers,
Isoro, Texas.

Dear Sir:

You are hereby notified that on the 30th day of March 1905 the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Jasper Chambers et al., of which decision you were advised by registered mail on the 19th day of March 1904.

Respectfully,

Chairman.

7715m

REFER IN REPLY TO THE FOLLOWING

MR-5822

DEPARTMENT OF THE INTERIOR.
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

Kuskogee, Indian Territory, January 22, 1906.

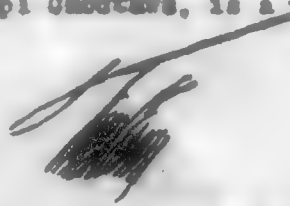
Mary A. Wade,

Jacksonville, Texas.

Dear Madam:

You are hereby notified that the Secretary of the Interior, on January 5, 1906, affirmed the decision of the Commission to the Five Civilized Tribes of May 15, 1903, refusing the applications of the several persons included in the consolidated Mississippi Choctaw case of Scott S. Bama, et al., of which, the application for the identification of yourself and minor children, Edgar D. and Glennan A. Wade, as Mississippi Choctaws, is a part.

Respectfully,



Commissioner.

No. 5852

For Identification as a Mississippi Choctaw.

Date Jan 2, 1902
Name George W. Chambers
Age 37 Blood 1/8
Post-Office, Izora, Texas
Father: Jasper Chambers L
Mother: Elizabeth " L
Claims through father
For myself and one child.

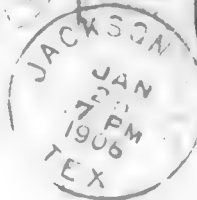
Children:
William Jefferson Chambers 4
Mother Laura " (W) d

Stenographer

W. G. McMillan

Department of the Interior.

to the Five Civilized Tribes,
OKMOGEE, IND. TER.



Mary A. Wade

UNCLAIMED

Izora, Texas.

UNCLAIMED

Attest W



Choctaw MCR 5853

Martin V. Riley

See MCR 6330, 6394

MCR 5853

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application of Martin V. Riley, et al.,
for identification as Mississippi Choctaws, consolidating the ap-
plications of:

| | |
|--------------------------|------------|
| Martin V. Riley, et al., | M C B 5853 |
| Mary Riley, et al., | M O R 6330 |
| Lela Morris, | M C R 6394 |

List of papers forwarded to the Secretary of the
Interior, comprising the record in the consolidated case
of Martin V. Riley, et al., M.C.R. 5853.

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| Certified copy of marriage record
between M. V. Riley and L. A. Tate..... | 6 |
| Affidavit of J. D. Click..... | 9 |
| Original application of Mary Riley, et al.,
to the Commission to the Five Civilized Tribes,
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| Decision of the Commission to the Five Civiliz-
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Department of the Interior.
Commission to the Five Civilized Tribes.
Wash., D. C., June 23rd, 1902.

70553

In the matter of the application of Martin V. Riley for the identification of himself and his six minor children, Bessie, Maudie, Everett, Elmer, Virgie and Hubbard Riley, as Mississippi Choctaws.

No attorney.

Martin V. Riley, being first duly sworn, testified as follows:

Examination by the Commission:

- Q What is your name? A Martin V. Riley.
Q How old are you? A Forty-one the 4th of July.
Q How much Choctaw blood have you? A Why my grandmother claimed to be a half breed Choctaw.
Q That don't say how much you had? A I don't know.
Q Can you figure it out? A My grandmother claimed to be a half breed.
Q Through which one of your parents do you claim your Choctaw blood? A My mother's side.
Q Your mother was quarter; that would make you one-eighth if you only got it on one side of the family? A One side of the family.
Q What is your post office address? A Millersock, I. T.
Q What Nation? A Chickasaw Nation.
Q How long have you lived in the Chickasaw Nation? A I have lived in the Chickasaw Nation fifteen years.
Q Continuously? A Yes sir.
Q Where did you live before that? A Born and raised in Texas; came from Texas there; never was out of the state until I came to the Chickasaw Nation.
Q Is your father living? A Yes sir.
Q What is his name? A His name is S. Riley.
Q What is that S. for? A Sylvester.
Q Is your mother living? A No sir, she's dead.
Q What was her name? A Her name was Elizabeth.
Q How old would she be if she were living to-day? A She would be about fifty-five years old if she was living.
Q Where was she born? A Red River County, Texas.
Q Lived in Texas all her life? A Yes sir.
Q Never lived in the Choctaw Nation? A No sir.

- Q Through which one of her parents did she get her Choctaw blood?
A Mother.
- Q What was her name? A Christmas.
- Q What was her given name? A Sallie Christmas.
- Q How long has she been dead? A She's been dead about thirty-six or thirty-seven years.
- Q About how old was she when she died? A She must have been about thirty-five or thirty-six, when she died.
- Q Where was she born? A In the Choctaw Nation.
- Q Indian Territory? A Yes sir, my grandfather married her in the Choctaw Nation.
- Q Sallie you claim was a half blood Choctaw? A Yes sir.
- Q Do you know the names of her parents? A No sir, I do not; never did hear; I was quite small when she died.
- Q Sallie have any Choctaw name? A Not that I know of.
- Q She would be something over seventy years old if living now?
A Yes sir.
- Q And you are quite sure she was born in the Choctaw Nation, Indian Territory? A No sir, I am not sure, but my grandfather married her in the Choctaw Nation; claimed as half breed Choctaw; I have been always told that she was by older people and parents too.
- Q Have you ever been admitted or enrolled as a member of the Choctaw tribe of Indians in Indian Territory, by the tribal authorities? A No sir.
- Q Were any of your Choctaw ancestors ever so admitted or enrolled?
A Not that I know of.
- Q You don't know of any of them ever having been recognized citizens of the Choctaw Nation? A No sir.
- Q Are you married? A Yes sir.
- Q Is your wife living? A Yes sir.
- Q What is her name? A Adeline Riley.
- Q Has she any Choctaw blood to your knowledge? A No sir.
- Q You make no claim for her? A No sir.
- Q Have you been married more than once? A No sir.
- Q Have you any children living? A Got six living.
- Q Give us their names and ages, the oldest first? A The oldest is twelve years old.
- Q Name? A Bessie.
- Q Next one? A Ten, Maudie.
- Q Next one? A Next one is eight, Everett.
- Q Next one? A Next one is Elmer, six years old.
- Q Next one? A Next one is Virgie.
- Q How old? A She's four years old.
- Q Next one? A Next one is Hubbard.
- Q H U B B A R D? A Yes sir.
- Q How old is Hubbard? A Going on two years old.
- Q Now let's see---Everett, Elmer and Hubbard are boys, and the others girls? A Yes sir.
- Q These children are all living with you at this time are they?
A Yes sir.
- Q Are they all the children of yourself and Adeline Riley?
A Yes sir.
- Q Were you married to Adeline under a license? A I was, yes sir.
- Q When? A 1887 I think it was.
- Q Where? A Decatur, Floss County, Texas.

#3.

- Q Who married you? A Parson Lloyd of Greenwood in Wise County.
Q Have you that marriage license and certificate with you at this time? A No sir.

It will be necessary for you to furnish for use in the consideration of the application you make in behalf of your six minor children, proper evidence of your marriage to Adeline Riley, the mother of these children. This evidence should be furnished within ten days from to-day.

- Q This application is in behalf of yourself and six minor children
A Yes sir.
Q Is your name or the name of any one of these children to be found on any of the Choctaw tribal rolls in Indian Territory?
A No sir.
Q You never have made any application of any description before to-day, either in your own behalf or in behalf of any of these children for the purpose of establishing your rights as Choctaw Indians, to the tribal authorities or the United States authorities have you? A No sir.
Q None of you have ever been admitted to citizenship in the Choctaw Nation? A No sir, not that I know of.
Q You appear before the Commission at this time for the purpose of claiming rights in the Choctaw lands in Indian Territory, for yourself and six minor children, under the fourteenth article of the treaty of Dancing Rabbit Creek, do you? A Yes sir.

This treaty of Dancing Rabbit Creek was entered into in the state of Mississippi on the 27th day of September, 1830, between the United States government and the Choctaw tribe of Indians. At the time this treaty was made the Choctaws lived in the state of Mississippi and along the western edge of the state of Alabama in what is now known as the old Choctaw Nation. The object of this treaty was to get the Indians to move from the country occupied by them in Mississippi and Alabama, out west of the Mississippi river to the new country, part of which is now occupied by a greater portion of the Choctaw Indians and the Chickasaw Indians and is known as the Choctaw-Chickasaw country, Indian Territory. At the time this treaty was made some of the Choctaws were unwilling to leave the old Choctaw Nation, and for the benefit of those who wanted to stay there what is known as the fourteenth article of the treaty was put into the treaty. That fourteenth article is as follows:

"Each Choctaw head of a family being desirous to remain and become a citizen of the states shall be permitted to do so, by signifying his intention to the Agent within six months from the ratification of this treaty, and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land, to be bounded by sectional lines of survey; in like manner shall be entitled to one half that quantity for each unmarried child which is living with him over ten years of age; and a quarter section to such child as may be under

ten years of age, to adjoin the location of the parent. If they reside upon said lands intending to become citizens of the states for five years after the ratification of this treaty, in that case, a grant in fee simple shall issue; said reservation shall include the present improvement of the head of the family, or a portion of it. Persons who claim under this article shall not lose the privilege of a Choctaw citizen but if they ever remove are not entitled to any portion of the Choctaw annuity."

- Q You understand that fourteenth article do you sir? A Yes sir.
- Q Did any of your ancestors ever comply or attempt to comply with its provisions or ever receive any benefits under that article to your knowledge? A No sir.
- Q Did any of them own an improvement in the old Choctaw Nation in Mississippi and Alabama in the year 1830 when this treaty was made? A I don't know whether they did or not.
- Q Did any of them live there, do you know? A I don't know whether they did or not.
- Q Do you know whether any of them within six months after the treaty of Dancing Rabbit Creek was ratified, let the Agent of the government in the state of Mississippi for the Choctaws know that they wanted to stay and become citizens of the states and take land? A No sir, I don't.
- Q Did any of your ancestors ever claim or receive any land in Mississippi under the provisions of this fourteenth article of the treaty of Dancing Rabbit Creek, from the government of the United States? A I don't know.
- Q You never heard of any of your ancestors ever having gotten any land in Mississippi from the government did you? A No sir.
- Q Were any of your Choctaw ancestors ever recognized members of the Choctaw tribe of Indians to your knowledge? A Not that I know of.

In accordance with the provisions of this fourteenth article of the treaty of Dancing Rabbit Creek, the government of the United States directed an Agent in Mississippi to register the names of such Choctaws as might desire to remain there and become citizens of the states and take land. The records of the government show that this Agent failed to register and report to the government the names of many Choctaws who did in fact let him know that they wanted to stay in Mississippi and become citizens of the states and take land, and on this account the government at its public land sales in Mississippi, in many instances sold land upon which Choctaws were living and had improvements and which they supposed they would receive under the fourteenth article of the treaty. This caused a great deal of complaint among the Indians and the matter was finally brought to the attention of Congress, and Congress passed certain acts between the years 1837 and 1842 providing for the appointment of Commissioners to proceed to the state of Mississippi and hear the cases of Choctaws who claimed that they had complied in all respects with the provisions of the fourteenth article of the treaty of Dancing Rabbit Creek but that their land had been sold by the government. These Commissioners were duly appointed by the President

#5.

of the United States and they proceeded to the state of Mississippi and heard in the time allowed them by the different acts of Congress under which they were appointed, a great many of these Choctaw cases.

- Q Did any of your Choctaw ancestors appear before any of these Commissioners and attempt to establish their rights under the fourteenth article of the treaty of Dancing Rabbit Creek?
A Not that I knew of.

The act of Congress approved on the 23rd day of August, 1842, provided that in case it should be finally decided that a Choctaw had complied in all respects with the provisions of the fourteenth article of the treaty of Dancing Rabbit Creek but that his land had been sold by the government, he should be entitled to select in place of the land so sold by the government, land some place else in Mississippi, or in Alabama, Louisiana or Arkansas, from vacant government land and should be given a certificate to that effect. These certificates were called scrip.

- Q Did any of your Choctaw ancestors ever get any of this scrip from the government under this act of Congress? A I don't know sir.
Q If any of your Choctaw ancestors then ever received any benefits whatever as Choctaw Indians, you never heard of it? A Never heard of it.
Q Do you know of any persons living that would likely know whether any of your Choctaw ancestors ever complied or attempted to comply with the provisions of the fourteenth article of the treaty of Dancing Rabbit Creek, or ever received any benefits thereunder? A I have got some relatives that might, if I could get them.
Q Where do they live? A Texas.
Q What are their names? A Their names is Riley.
Q How old is the eldest one of these Rileys? A One of them is eighty years old.
Q What is his name? A It's a lady--Jane Riley; then I have got another aunt, too, that's about seventy-four or five.
Q What is her name? A Cynthia Riley, that might know them.
Q You don't know where they live? A I know where one of them lives.
Q Which one? A Cynthia.
Q Where? A Wise County, Texas.
Q Do you know of any written evidence of any kind that would prove or tend to prove that any of your ancestors ever complied or attempted to comply with the provisions of the fourteenth article of the treaty of Dancing Rabbit Creek or ever received any benefits thereunder? A No sir.
Q Have you any written evidence of any description to offer at this time in support of your application? A No sir.
Q Any witnesses to testify in your behalf? A No sir.

If you should see fit to cause any witnesses to appear before the Commission to testify in your behalf in support of this application, they may appear before us here at this place

within ten days from to-day and their testimony will be taken; or if you should see fit to offer any written evidence, such evidence, if presented within ten days from to-day, will receive the consideration of the Commission in connection with this application.

- Q Are there any further statements you want to make at this time in support of your application? A No sir.
- Q Have you any brothers living? A No sir.
- Q Any sisters? A Got one sister living.
- Q What is her name? A Mary Riley; she married a second cousin of her's.
- Q Where does she live? A Wise County.
- Q Texas? A Yes sir.
- Q Has she appeared before this Commission and applied for identification as Mississippi Choctaw? A No sir.
- Q Has your mother any brothers or sisters living? A Got one brother living is all I know of, by the name of Maridy Wilkins.
- Q Where does he live? A Lives in Hunt County.
- Q Texas? A Texas.
- Q Has he been before this Commission? A No sir.
- Q Have you any brothers or sisters dead who left children? A No sir, I haven't.
- Q Has your mother any brothers or sisters dead who left children? A Yes sir.
- Q How many? A She's got---well, she's got three or four; three or four sisters that's left children.
- Q Have any of these children been before the Commission or has any one ever made any application in their behalf? A Not that I ever knew anything of.
- Q What is the name of the oldest one of your mother's deceased sisters who has living children? A Rogers I reckon.
- Q What was her name? A Julia Ann Rogers.
- Q How many of her children are living? A I don't know for I haven't saw them for twenty years.
- Q Do you know their names? A No sir, I don't know where they are at; I don't know where none of those children is.
- Q What is the name of the next one of your mother's sisters who left children? A Horton.
- Q Her given name? A Martha Ann Horton.
- Q How many of her children are living? A I don't know how many is living now; last account I had of them there were five living--three girls and two boys.
- Q Know their names? A Willie Horton is the oldest.
- Q Boy? A Yes sir.
- Q Next one? A Laura Horton.
- Q Next one? A Lixie.
- Q Next? A Janie.
- Q Next? A Tom.
- Q What is the name of the next one of your mother's deceased sisters who left children? A Nellie Hall.
- Q How many of her children is living? A She had one living last account I had of her.
- Q What is the name of that child? A Tom Hall.
- Q What is the name of the next one of your mother's deceased sisters who has children? A That's the only sister she had.

#7.

Q Any of her brothers leave children? A No sir, she hasn't got but one brother that's got children and that's that Maridy.

Albert G. McMillan, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he reported the proceedings had in the above entitled cause on the 23rd day of June, 1902, and that the above and foregoing is a full, true and correct transcript of his stenographic notes taken in said cause on said date.



Subscribed and sworn to before me this 30 day of June, 1902.



Notary Public.

all
over

CITY,
DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

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In the matter of the application of Martin V. Riley, et al.,
for identification as Mississippi Cheetaws, consolidating the ap-
plications of:

| | |
|--------------------------|------------|
| Martin V. Riley, et al., | M C R 5853 |
| Mary Riley, et al., | M C R 6330 |
| Lela Morris, | M C R 6394 |

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--- D E C I S I O N : ---

It appears from the record herein that application for
identification as Mississippi Cheetaws was made to this Commission
by Martin V. Riley for himself and his six minor children, Beale,
Maudie, Everett, Elmer, Virgie and Hubbard Riley; by Mary Riley for
herself and her four minor children, Floda E., Fannie May, Allen
Vesta and Maggie Riley; and by Lela Morris for herself, under the
following provision of the act of Congress approved June 28, 1890
(30 Stats., 495):

"Said Commission shall have authority to determine the
identity of Cheetaw Indians claiming rights in the Cheetaw
lands under article fourteen of the treaty between the United
States and the Cheetaw Nation, concluded September twenty-
seventh, eighteen hundred and thirty, and to that end may ad-
minister oaths, examine witnesses and perform all other acts
necessary thereto and make report to the Secretary of the
Interior."

It also appears that the applicants embraced in M.C.R.
5853 and the principal applicant in M.C.R. 6330 claim rights in the
Cheetaw lands under article fourteen of the treaty between the

United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, by reason of being descendants of Sallie (or Sally or Sarah) Wilkins, nee Christmas, who is alleged to have been a Choctaw Indian, degree of blood not positively stated, and to have resided in Mississippi in eighteen hundred and thirty; and that the minor applicants applied for in H.C.R. 6330 and the applicant in H.C.R. 6394 claim said rights by reason of being descendants of the said Sallie (or Sally or Sarah) Wilkins, nee Christmas, and J. S. (or Cy) Riley, the latter of whom is alleged to have been a Choctaw Indian, degree of blood not stated.

It further appears from the evidence submitted in support of said applications and from the records in the possession of the Commission that none of said applicants has ever been enrolled by the Choctaw tribal authorities as a member of the Choctaw tribe, or admitted to Choctaw citizenship by a duly constituted court or committee of the Choctaw Nation, or by the Commission to the Five Civilized Tribes, or by a decree of the United States Court in Indian Territory, under the provisions of the act of Congress approved June 10, 1896, (29 Stat., 321).

It does not appear from the testimony and evidence offered in support of said applications or from the records in the possession of the Commission relating to persons who complied or attempted to comply with the provisions of said article fourteen of the treaty of eighteen hundred and thirty, or to persons who heretofore were claimants thereunder, that the said Sallie (or Sally or Sarah) Wilkins, nee Christmas, or J. S. (or Cy) Riley, or an ancestor less remote, signified (in person or by proxy) to Colonel Wm. Ward, Indian

Agent, Choctaw Agency, an intention to comply with the provisions of said article fourteen, or presented a claim to rights thereunder to either of the commissions authorized to adjudicate such claims by the acts of Congress approved March 3, 1837 (5 Stats., 130) and August 23, 1842 (5 Stats., 513).

It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Martin V. Riley, Bessie Riley, Maudie Riley, Everett Riley, Elmer Riley, Virgie Riley, Hubbard Riley, Mary Riley, Flora E. Riley, Fannie May Riley, Allen Vesta Riley, Maggie Riley and Lela Morris as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the applications for their identification as such should be refused, and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES,

(SIGNED)

Tams Bixby.

Acting Chairman.

(SIGNED)

T. P. Hendrix.

Commissioner.

(SIGNED)

C. F. Hendricks.

Commissioner.

Muskogee, Indian Territory,

APR 14 1903

Miss. Choctaw R 5653

Muskogee, Indian Territory, July 2, 1902.

M. V. Riley,

Millers Creek, Indian Territory,

Dear Sir:

Receipt is hereby acknowledged of your letter of June 29, inclosing certified copy of marriage license and certificate between M. V. Riley and L. A. Tate, which you offer in support of your application for the identification of yourself and your minor children as Mississippi Choctaws; and the same has been filed with the record in this case.

Yours truly,

Commissioner in Charge.

Miss. Choctaw 25833

Muskogee, Indian Territory, July 3, 1902.

Martin V. Riley,

Millcreek, Indian Territory,

Dear Sir:

Receipt is hereby acknowledged of the affidavit of the affidavit of J. D. Click, which is offered in support of the application of Martin V. Riley, et al. for identification as Mississippi Choctaws. The same has been filed with the record in your case and will receive consideration in the disposition of the application.

Yours truly,

Commissioner in Charge.



M.C.R. 5853.

Muskogee, Indian Territory, April 14, 1903.

Martin V. Riley,

Millcreek, Indian Territory.

Dear Sir:

You are hereby advised that on the 14th day of April, 1903, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Martin V. Riley, et al., embracing the following applications for identification as Mississippi Choctaws:

| | |
|--------------------------|--------------|
| Martin V. Riley, et al., | M.C.R. 5853 |
| Mary Riley, et al., | M.C.R. 6330 |
| Lola Morris, | M.C.R. 6394. |

These applications were made under the provision of the Act of Congress of June 28, 1898, (30 Stats., 495), which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses, and perform all other acts necessary thereto, and make report to the Secretary of the Interior."

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Martin V. Riley, Bessie Riley, Maudie Riley, Everett Riley, Elmer Riley, Virgie Riley, Hubbard Riley, Mary Riley, Floda E. Riley, Fannie May Riley, Allen Vesta Riley, Maggie Riley and Lola Morris as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred

M. V. R.,

-2-

and thirty, and that the applications for their identification as such should be refused, and it is so ordered."

You are further advised that you will be allowed fifteen days from the date hereof within which to file arguments in this office, and that at the expiration of said time the papers in the case, together with such arguments, will be forwarded to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

(SIGNED)

Jams Dixie.
Chairman.

Registered.

OP.

Muskogee, Indian Territory, April 14, 1903.

Mansfield, McMurray & Cornish,
Attorneys for Choctaw and Chickasaw Nations,
South McAlester, Indian Territory.

Gentlemen:

You are hereby advised that on the 14th day of April, 1903, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Martin V. Riley, et al., embracing the following applications for identification as Mississippi Choctaws:

| | |
|--------------------------|--------------|
| Martin V. Riley, et al., | M.C.R. 5853 |
| Mary Riley, et al., | M.C.R. 6330 |
| Lela Morris, | M.C.R. 6394. |

These applications were made under the provision of the Act of Congress of June 28, 1898, (30 Stats., 498).

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Martin V. Riley, Bessie Riley, Maudie Riley, Everett Riley, Elmer Riley, Virgie Riley, Hubbard Riley, Mary Riley, Floda E. Riley, Fannie May Riley, Allen Vesta Riley, Maggie Riley and Lela Morris as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the applications for their identification as such should be refused, and it is so ordered."

You are further advised that the applicants in this case have been allowed fifteen days from the date hereof within which to file arguments in this office, and that at the expiration of said time the papers in the case, together with such arguments, will be forwarded to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

(SIGNED)

Tamie Dixie

Chairman.

COPY.

Muskogee, Indian Territory, April 30, 1903.

The Honorable,

The Secretary of the Interior.

Sir:

There is transmitted herewith the record in the consolidated case of Martin V. Riley, et al., applicants to the Commission for identification as Mississippi Choctaws, including the decision of the Commission of April 14, 1903.

The above consolidated case embraces the following original applications heard by the Commission:

| | |
|--------------------------|--------------|
| Martin V. Riley, et al., | M.C.R. 5853; |
| Mary Riley, et al., | M.C.R. 6330; |
| Lela Morris, | M.C.R. 6394. |

The Commission has the honor to report that the principal applicants in the several separate applications and the attorneys for the Choctaw and Chickasaw Nations have been duly advised by letter of the action of the Commission, copies of said letters being attached to the record.

Respectfully,

Through the
Commissioner of Indian Affairs.

(SIGNED).

& Enc.: M.C.R. 5853.

James Bixby.
Chairman.

Waskagee, Indian Territory, May 6, 1903.

Lodbetter & Bledsoe,
Attorneys at Law,
Ardmore, Indian Territory.

Gentleman:

Receipt is hereby acknowledged of your letter of the 21st ultimo, received at this office on the 2nd instant, in which you state "Your letter of the 14th instant addressed to Mr. Martin V. Riley has been referred to us by him for answer. It is Mr. Riley's intention to offer additional evidence before the Commission, if the same will be accepted and we, therefore, request you to extend the time fifteen days after May the first in order that we may do so."

In reply you are informed that the record in the Mississippi Choctaw case of Martin V. Riley, et al., was on April 30, 1903, forwarded to the Secretary of the Interior. Pending action thereon by him the Commission cannot receive or consider further evidence in support of said case.

Respectfully,

Chairman.

Muskogee, Indian Territory, June 2, 1903.

E. L. Campbell,
Sulphur, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of your letter of the 21st ultimo, in which you ask how to proceed to dispossess a non-citizen of a farm that an Indian has filed on. You also ask if Martin Ryley is a citizen, and state that he lives at Mill Creek, I. T.

In reply your attention is invited to the following provision of the act of Congress of July 1, 1902, which was ratified by the citizens of the Choctaw and Chickasaw Nations, September 25, 1902:

"Allotment certificates issued by the Commission to the Five Civilized Tribes shall be conclusive evidence of the right of any allottee to the tract of land described therein; and the United States Indian Agent at the Union Agency shall, upon the application of the allottee, place him in possession of his allotment, and shall remove therefrom all persons objectionable to such allottee and the acts of the Indian Agent hereunder shall not be controlled by the writ or process of any court."

No certificates of allotment have up to the present time been issued, but probably will be in the near future.

It appears from our records that Martin V. Riley, post office address Mill Creek, Indian Territory, made application to this Commission for the identification of himself and minor children as Mississippi Choctaws. On April 14, 1903, the Commission

E L C R

rendered its decision refusing said application, and on the same date the applicants were notified of the action of the Commission and that they would be allowed fifteen days from the date of said decision within which to file arguments in support of their claim to be forwarded to the Secretary of the Interior.

The fifteen days from April 16, 1903, heretofore granted in this case, expired on April 29, 1903. On April 30, 1903, the record in said case, together with the decision of the Commission, was forwarded to the Secretary of the Interior. The applicants will be duly notified of such action as may be taken by him.

Respectfully,

Commissioner in Charge.

Muskogee, Indian Territory, July 10, 1903.

Eugene H. White,
Attorney at Law,
Sulphur, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of your letter of the 6th instant, in which you ask to be informed "whether or not Martin V. Riley, of Mill Creek, I. T., is enrolled as a member of the Choctaw or Chickasaw tribe of Indians, or whether he is an applicant for such enrollment."

In reply you are informed that it appears from our records that Martin V. Riley made application to this Commission for the identification of himself and minor children as Mississippi Choctaws. On April 14, 1903, the Commission rendered its decision refusing said application, and on the same date said applicants were notified of such decision and that they would be allowed fifteen days from the date thereof within which to file arguments in support of their claim.

The fifteen days heretofore granted in this case expired on April 29, 1903. On April 30, 1903, the record in this case, together with the decision of the Commission refusing said application, was forwarded to the Secretary of the Interior. Up to the

2 2 7 2

present time the Commission has not been advised of any departmental action taken thereon. As soon as the Commission is informed of the decision of the Secretary the applicants will be duly notified thereof.

Respectfully,

Commissioner in Charge.

COPY.
DEPARTMENT OF THE INTERIOR.
OFFICE OF INDIAN AFFAIRS.
WASHINGTON.

Land 28520-1903.

June 10, 1903.

The Honorable,

The Secretary of the Interior.

Sir:

I have the honor to submit herewith the record of the Commission to the Five Civilized Tribes in the matter of the application of Martin B. Riley for himself and his six minor children, Bessie, Maudie, Everett, Elmer, Virgie and Hubbard Riley; of Mary Riley for herself and her four minor children, Fleda B., Fannie May, Allen Vesta and Maggie Riley; and of Lena Morris for herself, for identification as Mississippi Choctaws, wherein a decision of rejection was rendered by the Commission on April 14, 1903.

The record in this case shows that the applicants predicate their claims for identification as Mississippi Choctaws on their descent from Sallie Wilkins, nee Christmas, and J. S. or Cy Riley. It is claimed that these ancestors were members of Choctaw families in Mississippi in 1830 and as such either complied or attempted to comply with the provisions of the 14th article of the treaty of that year. However, the Riley ancestry is not relied on to any great extent because the applicants admit they are unable to furnish any proof as to the compliance on the part of this ancestry with the provisions of the 14th article.

The Commission rejected the applicants for the reason that its records fail to show that either of these ancestors were Choctaw Indians who complied or attempted to comply with the provisions of the 14th article of the Choctaw treaty.

An examination of the records of this office has been made with reference to Sallie Christmas, Sallie Williams, J. S. Riley, and G. Riley, and it is ascertained that the names of none of these persons appear among the names of those citizens of the Choctaw Nation in Mississippi or Alabama who either complied or attempted to comply with the provisions of the 14th article of the Choctaw treaty of 1830. I therefore recommend that the decision of the Commission rejecting the applicants be approved.

Very respectfully,

W. A. Jones,

Commissioner

E. B. H. (S)

COPY.
DEPARTMENT OF THE INTERIOR,
WASHINGTON.

WCF
EAF

D. C. 17623
ITD. 8042-1903.
IRS.

June 19, 1903.

Commission to the Five Civilized Tribes,
Muskogee, I. T.

Gentlemen:

April 30, 1903, you transmitted the record in the matter of the applications for identification as Mississippi Choctaws, of Martin V. Riley and his minor children, Bessie, Maudie, Everett, Elmer, Virgie and Hubbard Riley; of Mary Riley and her minor children, Floda E., Fannie May, Allen Vesta and Maggie Riley; and of Lela Morris. You refused the applications April 14, 1903.

The applicants claim rights to Choctaw lands under article 14 of the treaty of 1830, by reason of being descendants of Gallie or Sarah Wilkins, nee Christmas, and J. S. or Cy Riley, it being alleged that said ancestors were possessed of Choctaw Indian blood, degree not stated and that they were residents of the Choctaw Nation in Mississippi in 1830.

The evidence as shown by the record, as well and the records of the Indian Office, fails to show that either of said ancestors complied or attempted to comply with article 14 of the treaty of 1830, or with either of

the subsequent acts of Congress relating thereto.

Reporting June 10, the Commissioner of Indian Affairs recommends that your decision be approved. A copy of his letter is inclosed.

The Department affirms your decision.

Respectfully,

(signed) E. A. HITCHCOCK,
Secretary.

1 inclosure.

M. C. R. 5853.

Muskogee, Indian Territory, July 15, 1903.

Mansfield McMurry & Gernish,

Attorneys for the Choctaw and Chickasaw Nations,

South McAlester, Indian Territory.

Gentlemen:-

You are hereby notified that on the 19th day of June, 1903, the Secretary of the Interior affirmed the decision of this Commission refusing the application for identification as Mississippi Choctaws of the several persons included in the consolidated case of Martin V. Riley et al., of which decision you were advised by mail on the 14th day of April, 1903.

Respectfully,

(SIGNED)

T. B. Needles.
Commissioner in Charge.

M. C. R. 5883.

COPY:

Muskogee, Indian Territory, July 15, 1903.

Martin V. Riley,

Millcreek, Indian Territory.

Dear Sir:-

You are hereby notified that on the 19th day of June, 1903, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Martin V. Riley et al., of which decision you were advised by registered mail on the 14th day of April, 1903.

Respectfully,

(SIGNED)

T. B. Needles.

Commissioner in Charge.

MCR-5853

Muskogee, Indian Territory, November 3, 1906.

Robert E. Lee,

Attorney at Law,

Ardmore, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of your letter of the 31st ultimo, requesting to be advised if the case of Martin Riley et al. versus the Choctaw Nation is still pending before this office.

In reply to your letter you are informed that on June 19, 1903, the Secretary of the Interior approved the decision of the Commission to the Five Civilized Tribes of April 14, 1903, refusing to identify Martin V. Riley and his six minor children, Bessie, Maudie, Everett, Elmer, Virgie and Hubbard Riley, as Mississippi Choctaws.

It does not appear that there is any motion for review or reconsideration of this case now pending, and the Department's action of June 19, 1903, is, therefore, considered final.

Respectfully,

Commissioner.

or name

Sallie Christmas $\frac{1}{2}$
 * mar.

Billie Wilkins

Elizabeth Wilkins $\frac{1}{4}$
 mar dead

Sylvester Riley

mar
5853

Martin V. Riley 41 $\frac{1}{8}$
 mar

Adeline S. Tate

mar
5853

Bessie Riley 12
 Maudie " 10
 Everett " 8
 Elmer " 6
 Virgil " 4
 Hubbard " 1

mar
5850

Mary Riley 36 $\frac{1}{8}$
 mar

J. S. Riley
 mar

mar
6330

Loda E. Riley 17
 Fannie May Riley 13
 Allen Vesta Riley 11
 Maggie Riley 7

mar
6330

Leda Riley 19 $\frac{1}{16}$
 mar
 Jerry Morris

* Testimony in 5850 slightly
 conflicting as to name
 but affidavit in 5853 says
 Sallie James married
 Wilkins

Consolidated Base
of

Martin V. Riley et al.

REFER TO M. C. R. 5853

For Identification as a Mississippi Choctaw.

Date J. 2. 1932

Name Martin V. Riley

Age 41 Blood 1/8

Post-Office. Millcreek, S.T.

Father Sylvester Riley

Mother Elizabeth

Claims through mother

Wife Adeline Riley
no claim for wife

For self

Children:

| | | | |
|---------|-------|---|----|
| Bessie | Riley | F | 12 |
| Maudie | " | F | 10 |
| Everett | " | m | 8 |
| Elmer | " | m | 6 |
| Virgie | " | F | 4 |
| Hubbard | " | m | 1 |

Grapher A. G. McMillan

Choctaw MCR 5854

John H. Mitchell

See MCR 5683

MCR 5854

Department of the Interior.
Commission to the Five Civilized Tribes.
Muskegee, I. T., June 23rd, 1902.

#6854.

-----000-----

In the matter of the application of John H. Mitchell for the identification of himself and his minor child, Bessie Mitchell, as Mississippi Choctaws.

No attorney.

John H. Mitchell, being first duly sworn, testified as follows:

Examination by the Commission:

- Q What is your name? A John H. Mitchell.
Q How old are you? A I am thirty-five years old.
Q How much Choctaw blood do you claim to have? A One-sixteenth.
Q What is your post office address? A Erin Springs, Chickasaw Nation.
Q How long have you lived in the Chickasaw Nation? A Well sir, I went to the Chickasaw Nation in '97 from the Cherokee; came to the Territory in '98.
Q You have lived in the Territory continuously since 1898?
A Ever since September, '98, yes sir.
Q Where did you live before you came to the Territory? A Arkansas.
Q How long? A I have lived there principally all of my life.
Q Were you born there? A I don't know just where I was born; I think in Missouri or there; I couldn't say positively.
Q Is your father living? A Yes sir.
Q What is his name? A William C. Mitchell.
Q Is your mother living? A Yes sir.
Q What is her name? A Nancy.
Q Through which one of your parents do you derive your Choctaw blood? A My father.
Q Has he appeared before this Commission for identification as a Mississippi Choctaw? A Hain't been before the Commission since '99, at South McAlester; we was all before the Commission then except Alvira G. Lamb; I have a brother W. S. Mitchell that wasn't there, but we arranged it and told them why he was not there.
Q Well you made application to the Commission in the year 1896 for citizenship in the Choctaw Nation didn't you? A My name is in the application that my father made at that time.

The records of the Commission show that in the year 1896, application was made in behalf of this applicant, John H. Mitchell, for citizenship in the Choctaw Nation under the act of Congress approved June 10, 1896, Choctaw Citizenship Docket, Case No. 1284; that said application was denied by the Commission and an appeal taken to the United States Court for the Central Judicial District of the Indian Territory; that said United States Court on the 9th day of September, 1897, entered a decree affirming the decision of the Commission to the Five Civilized Tribes whereby the applicant was denied citizenship in the Choctaw Nation. The records of the Commission further show that during the month of September, 1899, this applicant, John H. Mitchell, appeared before the Commission at South McAlester, Indian Territory, and made personal application for enrollment as a citizen by blood of the Choctaw Nation; that on the 14th day of April, 1902, said application was denied by the Commission to the Five Civilized Tribes and on the 14th day of May, 1902, said decision of the Commission to the Five Civilized Tribes so rendered on April 14, 1902, was affirmed by the Secretary of the Interior. (7-R 183).

- Q You have never before to-day made application for identification as a Mississippi Choctaw have you? A No sir.
- Q About how old is your father? A My father's---born in '29---seventy-three years old.
- Q Born in 1829? A Yes sir.
- Q He has never made application for identification as a Mississippi Choctaw? A Not that I know of.
- Q He has never been recognized in any manner or enrolled by the Choctaw tribal authorities in Indian Territory as a citizen of that tribe has he? A I don't know whether he has or not.
- Q You never heard that he has? A No sir.
- Q By the tribal authorities I mean now the Indians themselves?
- A No sir, I don't know.
- Q You have never been so recognized or enrolled? A No sir, not that I know of.
- Q Where was your father born? A Mississippi.
- Q What county? A I don't know sir what county.
- Q How long after his birth did he live in the state of Mississippi?
- A Well sir, he said he came west---born in '29 and came west in '33.
- Q Where did he go from the state of Mississippi? A North Arkansas; stopped there.
- Q How long did he stay there? A He remained there until September, '95, when he came to the Nation.
- Q Through which one of his parents did he get his Choctaw blood?
- A From his father I understand.
- Q What was his name? A His name was Joseph; some called him Joe and some Joel; I generally called him Joel.
- Q Which was it, Joel or Joseph? A Some called him Joel.
- Q How old was he when your father was born, do you know?
- A I couldn't tell you.
- QC Where was he born--Joel Mitchell? A I don't know.
- Q Do you know how long he lived in the state of Mississippi?
- A No sir, I do not.

#3.

- Q He was a quarter blood Chectaw according to your statement; is that right? A That's the way I understand it.
- Q Do you know whether he ever owned an improvement in the old Chectaw Nation in Mississippi or Alabama? A No sir, I don't know.
- Q Whether he was ever a recognized member of the Chectaw tribe of Indians; do you know whether he was? A No sir, I don't know.
- Q Did he ever live in the Chectaw Nation, Indian Territory, to your knowledge? A Not that I know of.
- Q Are you married? A Yes sir.
- Q Is your wife living? A Yes sir.
- Q What is her name? A Name is Sallie.
- Q Has she any Chectaw blood? A No sir.
- Q You make no claim for her then? A No sir.
- Q Have you been married more than once? A No sir.
- Q Has she? A No sir.
- Q Have you any children living? A One.
- Q What is that child's name? A Bessie.
- Q How old? A Born June 11, 1894, along about eight years old I believe.
- Q Is she living with you at this time? A Yes sir.
- Q Is she the child of yourself and Sallie Mitchell? A Yes sir.
- Q Were you married to Sallie under a license? A Yes sir.
- Q When? A I was married in March 22, 1891.
- Q Where? A Carroll County, Arkansas.
- Q Who married you? A Man by the name of Gimlin.
- Q What official position did he hold? A He was what we called a Justice of the Peace.
- Q Have you your license and certificate with you at this time?
- A Yes sir.
- Q You desire to offer them in evidence in support of the application you make in behalf of your minor child do you? A Yes sir.
- Q What was your wife's maiden name? A Sallie Barnes; her maiden name was Barnes.

Marriage license and certificate of John H. Mitchell and Sallie Barnes is offered as evidence, identified as exhibit "A", filed and made a part of the record in this case.

- Q You are the identical John H. Mitchell referred to in the marriage license which you have just offered in evidence? A Yes sir.
- Q Were your father and mother lawfully married? A Yes sir.
- Q What evidence have you of that fact? A I have just got their word for it.
- Q How long have they been living together as husband and wife?
- A I don't know just exactly when they were married; I couldn't say just when they were married.

It would be well for you to submit in this case proper evidence of the marriage of your father and mother unless such evidence has been submitted in support of applications of some of your relatives for identification as Mississippi Chectaws, in case any of them has made such an application.

- Q This application is for yourself and one minor child? A Yes sir

#4.

- Q Is your name or the name of this child to be found on any of the Choctaw tribal rolls in Indian Territory? A Not that I know of.
- Q No effort of any kind, so far as you know, has ever been made to have your name placed on the tribal rolls by the tribal authorities? A Well, we have been making an effort ever since '96.
- Q That is to the United States authorities? A Yes sir.
- Q But not the tribal authorities? A No sir.
- Q Neither you nor this child have ever been admitted to citizenship by either the United States authorities or the tribal authorities have you? A Well, if I understand it right we have been practically admitted, that is, acknowledgment of the blood has been admitted.
- Q By whom have you been admitted? A We have been admitted as Indians by the Court.
- Q The United States Court denied your application made under the act of June 10, 1896? A Denied us enrollment, yes.
- Q Then you have never been admitted to citizenship in the Choctaw Nation? A No sir, we never been admitted.
- Q You appear before this Commission at this time for the purpose of claiming rights in the Choctaw lands in Indian Territory, for yourself and minor child, under the provisions of the fourteenth article of the treaty of Dancing Rabbit Creek; is that right; that is, you claim as a Mississippi Choctaw; is that right? A Yes sir.

This treaty of Dancing Rabbit Creek was entered into in the state of Mississippi on the 27th day of September, 1830, between the United States government and the Choctaw tribe of Indians. At the time this treaty was made the Choctaws lived in the state of Mississippi and along the western edge of the state of Alabama in what was known as the old Choctaw Nation. At the time the treaty was made some of the Indians were unwilling to leave that country, and for the benefit of those who preferred to remain there what is known as the fourteenth article was put into the treaty. That fourteenth article provided that upon certain conditions a Choctaw who preferred to stay there and not move out to the new Nation might receive land from the government. That article is as follows:

"Each Choctaw head of a family being desirous to remain and become a citizen of the states shall be permitted to do so, by signifying his intention to the Agent within six months from the ratification of this treaty, and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land, to be bounded by sectional lines of survey; in like manner shall be entitled to one half that quantity for each unmarried child which is living with him over ten years of age; and a quarter section to such child as may be under ten years of age, to adjoin the location of the parent. If they reside upon said lands intending to become citizens of the states for five years after the ratification of this treaty, in that case, a grant in fee simple shall

issue; said reservation shall include the present improvement of the head of the family, or a portion of it. Persons who claim under this article shall not lose the privilege of a Choctaw citizen but if they ever remove are not entitled to any portion of the Choctaw annuity."

- Q You understand that fourteenth article now do you? A Yes sir.
- Q Did any of your ancestors ever comply or attempt to comply with its provisions or ever receive any benefits under that article?
- A Ever received anything I don't know it.
- Q Then if they ever complied with its provisions or attempted to comply with them, you don't know that? A No sir.
- Q Did any of your ancestors own an improvement in the old Choctaw Nation in Mississippi or Alabama in the year 1830 when this treaty was made? A I don't know.
- Q You think your father and his father were living there at that time? A Yes sir.
- Q You never heard of any of your Choctaw ancestors ever having gotten any land in Mississippi from the government? A No sir.
- Q Or ever receiving any benefits of any description from the government? A If they have, I have never heard it talked of.
- Q Did any of your Choctaw ancestors, to your knowledge, let the Agent of the government in Mississippi for the Choctaws know within six months after the treaty of Dancing Rabbit Creek was ratified, that they wanted to stay there, become citizens of the states and take land? A I don't know.

In accordance with the provisions of this fourteenth article of the treaty of Dancing Rabbit Creek the government of the United States directed an Agent in Mississippi to register the names of such Choctaws as might desire to remain there and become citizens of the states and take land. The records of the government show that this Agent failed to register and report to the government the names of many Indians who did in fact let him know that they wanted to stay and become citizens of the states and take land; on this account the government at its public land sales in Mississippi in many instances sold land upon which Choctaws lived and owned improvements and which they supposed they would receive under the fourteenth article of the treaty. This caused a great deal of complaint among the Indians and the matter was finally brought to the attention of Congress and Congress passed certain acts between the years of 1837 and 1842 providing for the appointment of Commissioners to go to Mississippi and hear cases of Choctaws who claimed that they had complied with the provisions of the fourteenth article of the treaty of Dancing Rabbit Creek but that their land had been sold by the government. These Commissioners were duly appointed by the President of the United States and they went down to Mississippi and heard a great many of these Choctaw cases.

- Q Did any of your ancestors appear before any of these Commissioners and attempt to establish their rights under the fourteenth article of the treaty of Dancing Rabbit Creek? A What?
- Q Between the years 1837 and 1842? A I don't know whether they did or not.
- Q You don't know whether any of them appeared before these Commis-

#6.

sioners or not? A What year was that?

Q Between 1837 and 1842? A Well sir, I don't know.

Q Well your people had moved out of that country before 1837 had they not? A That's my understanding.

This act of Congress approved on the 23rd day of August, 1842, provided that in case it should be finally decided that a Choctaw had complied in all respects with the provisions of the fourteenth article of the treaty of Dancing Rabbit Creek but that his land had been sold by the government, he should be entitled to select in the place of the land so sold by the government, land some place else in Mississippi or Alabama, Louisiana or Arkansas, to be taken from vacant government land, and should be given a certificate to that effect. These certificates were called scrip.

Q Did you ever hear of any of your Choctaw ancestors ever having gotten any of this scrip from the government? A Not that I remember; don't remember anything of it.

Q Do you know of any one living who would likely know whether any of your ancestors ever complied or attempted to comply with the provisions of this fourteenth article of the treaty of Dancing Rabbit Creek or ever received any benefits thereunder? A No sir, I don't.

Q Do you know of any written evidence of any description which would prove or tend to prove such a state of facts? A No sir.

Q You never heard of Joel Mitchell ever having gotten any land in Mississippi from the government? A No sir, never heard of that.

Q Have you any witnesses here to-day to testify in your behalf?

A No sir.

Q Any written evidence of any description to offer? A Nothing.

If you should find any witnesses whose testimony you desire to have taken before the Commission in support of your application, they may appear before us here at Muskogee within ten days from this date and their testimony will be taken; or if you should find any written evidence of any kind you want to offer in support of your application, it will be received and considered by the Commission if it is presented within ten days from to-day.

Q Are there any further statements you want to make at this time in support of your application; anything further you like to say

A Well, I don't know of anything further, only I want it understood that I am a brother to Sarah E. Brower and Charles R. Mitchell.

Q Sarah Brower has heretofore appeared before the Commission and made application for identification as a Mississippi Choctaw hasn't she? A I haven't seen her.

The records of the Commission show that on the 20th day of May, 1802, Sarah M. Brower, who testified that the names of her father and mother was Wm. C. Mitchell and Nancy Mitchell, appeared before the Commission at Muskogee, Indian Territory,

and made application for the identification of herself and family as Mississippi Choctaws, their names appearing upon Mississippi Choctaw card, Yield No. R 5619.

- Q Has Charles R. Mitchell appeared before the Commission as an applicant for identification as a Mississippi Choctaw?
- A Charles R.?
- Q Yes? A No sir.
- Q He has applied for enrollment as a Choctaw hasn't he? A Yes sir.
- Q In 1899? A Yes sir, in '99.
- Q He and your sister Sarah E. Brower also applied to the Commission in 1896 for citizenship in the Choctaw Nation under the act of Congress approved June 10, 1896? A Yes sir.
- Q Have you any other brothers besides Charles R. Mitchell?
- A Yes sir.
- Q How many? A Edward D. Mitchell and brother W. J.
- Q Have you any other sisters besides Sarah Brower? A Dickey E. Beverly.
- Q Any more? A No sir.
- Q Have you any brothers or sisters dead who left children?
- A No sir.
- Q Has your father Wm. G. Mitchell any brothers living? A Yes sir.
- Q How many? A Has two.
- Q What are their names? A Has a brother Edward Mitchell and has a brother O. P. D. Mitchell.
- Q Have either of these brothers of your father been before the Commission as applicants for identification as Mississippi Choctaws? A No sir, not that I know of.
- Q Has your father any sisters living? A Yes sir.
- Q How many? A He has three living.
- Q What are their names; give us their married names? A Angeline.
- Q Angeline what? A Watkins.
- Q Next one? A Emeline Tye.
- Q Next one? A Caroline Denning.
- Q Have they been before the Commission as applicants for identification as Mississippi Choctaws? A No sir.
- Q Has your father any brothers dead? A Yes sir.
- Q How many? A Let me see now---if I understand it right, he has two.
- Q Did either of them leave children? A No sir.
- Q Has your father any sisters dead? A Has a half sister dead.
- Q Half sister on his father's side or his mother's side?
- A His father's side.
- Q What was her name? A Name was Nancy.
- Q Did she leave any children? A Yes sir, but I don't know nothing about that; she was a Cherry---Nancy Cherry.
- Q Do you know the names of her children who are living?
- A No sir, I do not.
- Q You don't know whether they have been before the Commission?
- A No sir, I don't know.
- Q Your father has no full sisters dead? A No sir.
- Q You don't speak or understand the Choctaw language do you?
- A No sir, I don't understand it.

#8.

The applicant has the appearance of being a white man; shows no indications of being possessed of Indian blood; doesn't speak or understand the Choctaw language; he has dark hair; light mustache; rather dark complexion; dark eyes; has no knowledge as to whether any of his ancestors ever complied or attempted to comply with the provisions of the fourteenth article of the treaty of Dancing Rabbit Creek.

Albert G. Moyillan, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he reported the proceedings had in the above entitled cause on the 23rd day of June, 1902, and that the above and foregoing is a full, true and correct transcript of his stenographic notes taken in said cause on said date.



Subscribed and sworn to before me this 30th day of June, 1902.


Notary Public.

Miss. Choctaw R5834
Miss. Choctaw R5835

Muskogee, Indian Territory, July 7, 1902.

J. H. Mitchell,

Wim Springs, Indian Territory,

Dear Sir:

Receipt is hereby acknowledged of the following affidavits offered in support of applications for identification as Mississippi Choctaws:

Affidavit of G. L. DeShazo and affidavit of H. M. Tye, offered in the case of John H. Mitchell, et al.

Affidavits of G. L. DeShazo and H. M. Tye offered in the case of Elvira G. Lamb, et al.

The affidavit of H. M. Tye, offered in support of the application of J. H. Mitchell is herewith returned for the reason that it is not signed by H. M. Tye. The other affidavits have been filed with the records in the above named cases.

Yours truly,

Commissioner in Charge.

Muskogee, Indian Territory, July 7, 1902.

J. H. Mitchell,

Erin Springs, Indian Territory,

Dear Sir:

Receipt is hereby acknowledged of your letter of June 30, in which you state that you have made a mistake in your testimony given at the time of your application for the identification of yourself and your minor child as Mississippi Choctaws, and now desire to correct the same; that in reply to a question as to whether you had any sisters dead who had left children you answered no and that this is incorrect, as you have one sister dead who left a child named J. H. Law. This information has been made a matter of record with the Commission.

You state that your father is not able to appear before the Commission and ask what he shall do in order to establish his claim.

In reply to your letter you are advised that if your father is permanently disabled from appearing before the Commission, one of his children would be permitted to make application for him upon presentation of the certificate of a physician to his permanent dis-

J.H.M. 2

ability and a power of attorney executed by your father, authorizing the said child to make application for his identification as a Mississippi Choctaw.

Yours truly,

Commissioner in Charge.

N O R 8854

Hamogon, Indian Territory, July 19, 1902.

John R. Mitchell,

Brin Springs, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of the affidavit of
H. M. Eys offered for filing in support of your application for the
identification of yourself and your minor child as Mississippi
Choctaws. The same has been filed with the record in this case.

Yours truly,

Commissioner in charge.

Miss. Chootaw 5664

Muskogee, Indian Territory, October 24, 1902.

John W. Mitchell,

Wain Springs, Indian Territory,

Dear Sir:

Receipt is hereby acknowledged of your letter of October 19, stating that you are an applicant for identification as a Mississippi Chootaw, and have forwarded all the proof you could secure within the time granted you. You ask to be informed what further proof is necessary in order to establish your claim.

In reply to your letter you are advised that at the time you appeared before the Commission as an applicant for the identification of yourself and your minor child as Mississippi Chootaws, you stated that you based your claim to such identification upon the fourteenth article of the treaty of 1830, which article was read and explained to you.

The Commission, in determining the rights of persons to be identified as Mississippi Chootaws, requires that the applicants reasonably demonstrate that they are descendants of Chootaw ancestors who resided in the old Chootaw Nation in Mississippi and Alabama, and who complied or attempted to comply with the provisions of article fourteen above referred to, or who were subsequently adjudicated beneficiaries thereunder by either of the two Commissions authorized

J.H.M. 2

for this purpose by the acts of Congress of March 3, 1837 and August 23, 1842.

The Assistant Attorney General for the Department of the Interior, in an opinion of December 3, 1901, defining the power of this Commission to identify so-called Mississippi Choctaws under the provision of the act of Congress of June 28, 1898, uses the following language:

"There is no escape from the conclusion that the provision in the act of June 28, 1898, contemplated the identification of only those

'Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty.'"

It would, therefore, be necessary for applicants, in order to obtain rights as Mississippi Choctaws under the provisions of the act of Congress of June 28, 1898, and the fourteenth article of the treaty of 1830, to show that the least remote of their ancestors who was living at the date of the conclusion of the treaty of 1830 was a beneficiary under the provisions of article fourteen thereof.

The Commission cannot pass upon the sufficiency of the evidence offered in support of applications for identification as Mississippi Choctaws until the same are taken up for consideration and determination. As soon as a decision is reached in your case you will be notified thereof and of the forwarding of the record in the case to the Secretary of the Interior for review.

Respectfully,

Acting Chairman.

Muskogee, Indian Territory, July 14, 1904.

John H. Mitchell,

Erin Springs, Indian Territory,

Dear Sir:

You are hereby notified that the Commission to the Five Civilized Tribes, on July 14, 1904, rendered its decision refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Robert H. Mitchell et al., including you and your minor child, Bessie Mitchell.

You are further notified that you will be allowed fifteen days from the date hereof within which to file arguments in this office, and that at the expiration of said time the papers in the case, together with such arguments as may be filed, will be forwarded to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

(SIGNED)

Chairman.

Registered.

M C R 5854

Muskogee, Indian Territory, August 3, 1904.

John H. Mitchell,
Lindsay, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of your letter of the 24th ultimo, relative to the decision of the Commission refusing your application for identification as a Mississippi Choctaw.

In reply to your letter you are informed that on July 30, 1904, the record in the consolidated Mississippi Choctaw case of Robert H. Mitchell, et al., of which your application is a part, together with the decision of the Commission refusing the applications of the several persons included therein, was forwarded to the Secretary of the Interior, through the Commissioner of Indian Affairs. When the Commission is advised of departmental action in this case you will be promptly notified.

Respectfully,

Commissioner in Charge.

M.C.R.-5854.

COPY.

Muskogee, Indian Territory, May 2, 1906.

John H. Mitchell,

Erin Springs, Indian Territory.

Dear Sir:-

You are hereby notified that the Secretary of the Interior on April 25, 1906, affirmed the decision of the Commission to the Five Civilized Tribes of July 14, 1904, refusing the applications of the several persons in the consolidated Mississippi Choctaw case of Robert H. Mitchell, et al, of which the application for the identification of yourself and minor child is a part.

Respectfully,

SIGNED *Tame Bixby.*

Commissioner.

For Identification as a Mississippi Choctaw.

Date Jun 23 1902

Name John A. Mitchell

Age 35 Blood 1/16

Post-Office, Erin Springs, S.T.

Father: W. M. C. Mitchell L

Mother: Nancy L

Claims through Father
wife Sallie Mitchell L
No claim for wife.

Children:

Bessie Mitchell 8

For self and wife.

W. G. McMillan

Choctaw MCR 5855

Elvira G. Lamb

See MCR 5683

MCR 5855

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.
MUSKOGEE, I. T., JUNE 23, 1902.

#5855.

In the matter of the application of Elvira G. Lamb for the identification of herself and her four minor children, Roy Lee, Beulah V., George R., and James G. Lamb, as Mississippi Choctaws:

Elvira G. Lamb being first duly sworn testifies as follows:

Examination by the Commission.

- Q What is your name? A Elvira G. Lamb.
Q How old are you? A Twenty-six.
Q How much Choctaw blood have you? A One-sixteenth.
Q What is your post office address? A Erin Springs.
Q What Nation? A Chickasaw.
Q How long have you lived in the Chickasaw Nation? A Two years, a little over.
Q Where before that? A Choctaw.
Q How long did you live in the Choctaw Nation? A One year.
Q Where before that? A Cherokee Nation.
Q How long did you live there? A I come there in '96, and I don't know just how long I did live there.
Q Where did you live before that? A In Arkansas.
Q How long? A All my life.
Q Is your father living? A Yes sir.
Q What is his name? A William G. Mitchell.
Q Is your mother living? A Yes sir.
Q What is her name? A Nancy Mitchell.
Q Through which one of your parents do you derive your Choctaw blood? A My father.
Q Where does your father live? A Erin Springs, Chickasaw Nation.
Q Where was he born? A In Mississippi.
Q When? A I don't know what year he was born in.
Q How old is he now? A About 72.
Q In what county in Mississippi was your father born? A I don't know.
Q How long after his birth did he live in the state of Mississippi? A I don't know that.
Q Where did he go from Mississippi? A Went to Arkansas.
Q How long did he live there? A I don't know how long.
Q Where else did he ever live besides Mississippi, Arkansas, and the Indian Territory? A I don't know.
Q Through which one of his parents did he derive his Choctaw blood? A Through his father.

- Q What was his name? A Joel Mitchell.
 Q Where was he born? A He was born in Mississippi.
 Q How long did he live in Mississippi? A I don't know.
 Q De you know in what part of Mississippi he lived? A No sir.
 Q Have you ever been recognized in any manner or enrolled as a member of the Choctaw tribe of Indians? A No sir.
 Q Your father? A No sir.
 Q Was his father? A I don't know.
 Q Are you married? A Yes sir.
 Q Husband living? A Yes sir.
 Q What is his name? A William Lamb.
 Q Has he any Choctaw blood? A No sir.
 Q You make no claim for him? A No sir.
 Q Have you any children living? A Yes sir.
 Q How many? A Four.
 Q What are their names and ages, oldest first? A Roy Lee Lamb.
 Q How old? A Six years old last September.
 Q The next one? A Beulah V. Lamb.
 Q How old is Beulah? A Four years old.
 Q The next? A George R. Lamb.
 Q How old? A Two years old.
 Q The next one? A James S. Lamb.
 Q How old is James? A A He was born last October.
 Q About eight months old? A Yes sir.
 Q Are these children all living with you? A Yes sir.
 Q Are they all the children of yourself and William Lamb? A Yes sir.
 Q This application is for yourself and four minor children? A Yes sir.
 Q Is your name or the names of any of these minor children to be found upon any of the tribal rolls of the Choctaw Nation in the Indian Territory? A I don't know.
 Q Did you or anyone for you, or anyone in behalf of these children make any application to the Choctaw tribal authorities to be admitted or enrolled as members of the Choctaw tribe? A No sir.
 Q Did you, or anyone for you, or anyone in behalf of these children make any application to the United States authorities to be admitted or enrolled as citizens of the Choctaw Nation? A I don't know.
 Q You appeared in 1896, did you not? A Yes, in 1896.

The records of the Commission show that on the 9th day of September, 1896, original application was made to the Commission to the Five Civilized Tribes for citizenship in the Choctaw Nation for this applicant under the name of Alvirra G. Lamb, Choctaw citizenship case No. 373. This application was denied by the Commission to the Five Civilized Tribes, an appeal taken by the applicant to the United States Court in the Central District of the Indian Territory, which said court on the 9th day of September, 1897, affirmed the decision of the Commission to the Five Civilized Tribes denying the application of the applicant for citizenship in the Choctaw Nation.

- Q That application in 1896 is the only application of any description that you have ever made before today for the purpose of establishing your right as a Choctaw Indian, is it? A Yes sir.

- Q And no one else has ever made any other application for you to your knowledge? A Not that I know of.
- Q Do you appear before the Commission at this time for the purpose of claiming rights in the Choctaw lands in the Indian Territory for yourself and four minor children under the provisions of the 14th article of the treaty of Dancing Rabbit Creek? A Yes sir.

The treaty of Dancing Rabbit Creek was entered into in the state of Mississippi on the 27th day of September, 1830, between the United States government and the Choctaw tribe of Indians; at the time this treaty was made the Choctaws lived in the state of Mississippi and a part of the state of Alabama along the western boundary line, in what was known as the old Choctaw Nation. The object of the treaty was to get these Indians to move from that country to a new country west of the Mississippi River, part of which is now occupied by the greater portion of the Choctaw tribe of Indians, and is commonly known as the Choctaw-Chickasaw country, Indian Territory. At the time the treaty was made some of the Indians were unwilling to leave this country, and for the benefit of those who preferred to stay in the old Choctaw Nation what is known as the 14th article was put into the treaty; that 14th article is as follows:

"ARTICLE XIV. Each Choctaw head of a family being desirous to remain and become a citizen of the states shall be permitted to do so by signifying his intention to the Agent within six months from the ratification of this treaty, and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land, to be bounded by sectional lines of survey; in like manner shall be entitled to one half that quantity for each unmarried child which is living with him over ten years of age, and a quarter section to such child as may be under ten years of age, to adjoin the location of the parent. If they reside upon said lands intending to become citizens of the states for five years after the ratification of this treaty, in that case, a grant in fee simple shall issue; said reservation shall include the present improvement of the head of the family or a portion of it. Persons who claim under this article shall not lose the privilege of a Choctaw citizen, but if they ever remove are not entitled to any portion of the Choctaw annuity."

- Q You understand that 14th article do you now? A Yes sir.
- Q Did any of your Choctaw ancestors to your knowledge ever comply or attempt to comply with its provisions or receive any benefits thereunder? A Not that I know of.
- Q Did any of your Choctaw ancestors own any improvement in the old Choctaw Nation in Mississippi about 1830, in the year 1830 when the treaty was made? A I don't know.
- Q Do you know whether any of them lived there at that time? A No sir, I don't.
- Q Did any of them within six months after the treaty of Dancing Rabbit Creek was made ratified let the Agent of the government

- in Mississippi for the Choctaws known that they wanted to stay in Mississippi, become citizens of the states and take land? A I don't know.
- Q Did any of them ever claim or receive any land in the state of Mississippi from the government of the United States under the provisions of the 14th article of the treaty of Dancing Rabbit Creek? A Not that I know of.
- Q Did you ever hear of any of your ancestors having received any benefits whatever as Choctaw Indians? A No sir.

In accordance with the provisions of this 14th article of the treaty of Dancing Rabbit Creek the government of the United States directed an Agent in the state of Mississippi to register the names of such Choctaws as might desire to remain there, become citizens of the states and take land. The records of the government show that this Agent failed to register and report to the government the names of many Choctaws who did in fact let him know they wanted to stay in Mississippi, become citizens of the states and take land; and on this account the government at its public land sales in Mississippi in many instances sold lands upon which Choctaws lived and had improvements, which they supposed they would receive under the 14th article of the treaty. This caused a great many complaints, and the matter was finally brought to the attention of Congress, and Congress passed acts in 1837 and 1842 providing for the appointment of commissioners, whose duty it should be to go down to Mississippi and hear the cases of Choctaws who claimed they had complied in all respects with the 14th article of the treaty of Dancing Rabbit Creek, but that their land had been sold by the government. These Commissioners were appointed by the President of the United States and they proceeded to Mississippi and heard a great many of these Choctaw cases within the time allowed them by the acts of Congress under which they were appointed.

- Q Do you know whether any of your ancestors ever appeared before any of these commissioners and attempted to establish their rights under the 14th article of the treaty of Dancing Rabbit Creek? A I don't know.

An act of Congress approved on the 23rd day of August, 1842, provided that in case it should be finally decided that a Choctaw had complied in all respects with the provisions of the 14th article of the treaty of Dancing Rabbit Creek, except that his land had been sold by the government, he should be entitled to select in place of that land land in Mississippi or Alabama, Louisiana or Arkansas, from vacant government land, and should be given a certificate to that effect, these certificates were called script.

- Q Did any of your ancestors ever get any of this script from the government of the United States? A Not that I know of.
- Q So far as you know then none of your ancestors ever received any benefits whatever as Choctaw Indians? A No sir.
- Q Do you know of any old persons living who would likely know whether any of your ancestors ever complied or attempted to comply with the provisions of the 14th article of the treaty of Dancing Rabbit Creek or ever received any benefits thereunder? A No sir.

- Q Do you know of any written evidence of any description which would prove or tend to prove such a state of facts? A No sir.
- Q Have you any witnesses here today to testify in your behalf? A No sir.
- Q Have you any written evidence of any description to offer at this time in support of this application? A No sir.

If you should find any witnesses whose testimony you should desire to take they may appear before us here at Muskogee within 10 days, and their testimony will be taken, or if you should find any written evidence of any kind which you desire to have considered in connection with this application it may be submitted to the Commission within 10 days from this date and will receive consideration.

- Q Are there any other statements that you desire to make at this time in support of your application? A No sir.
- Q What relation are you to John H. Mitchell who appeared before the Commission this morning? A I am a sister.

Reference is hereby made to the application of John H. Mitchell, M. C. R. 5854, for identification as a Mississippi Choctaw, heard at Muskogee by the Commission on this date.

- Q You do not speak or understand the Choctaw language? A No sir.

The applicant has dark complexion, dark eyes and dark hair, though she shows no indications of being possessed of Indian blood; her features and facial expression are those of a white person; she does not speak or understand the Choctaw language, and has no knowledge of any compliance on the part of any of her ancestors with the provisions of the 14th article of the treaty of Dancing Rabbit Creek.

W H Martin being first duly sworn on oath states that as stenographer to the Commission to the Five Civilized Tribes he recorded in full the above proceedings on the 23rd day of June, 1902, and that the within and foregoing is a full, true and correct transcript of his stenographic notes in the same.

W. H. Martin

Subscribed and sworn to before me this 26th day of June, 1902.

John Mitchell
Notary Public.

Miss. Choctaw R5654
Miss. Choctaw R5655

Muskogee, Indian Territory, July 7, 1902.

J. H. Mitchell,

Brin Springs, Indian Territory,

Dear Sir:

Receipt is hereby acknowledged of the following affidavits offered in support of applications for identification as Mississippi Choctaws:

Affidavit of G. L. DeShazo and affidavit of H. M. Tye, offered in the case of John H. Mitchell, et al.

Affidavits of G. L. DeShazo and H. M. Tye offered in the case of Elvira G. Lamb, et al.

The affidavit of H. M. Tye, offered in support of the application of J. H. Mitchell is herewith returned for the reason that it is not signed by H. M. Tye. The other affidavits have been filed with the records in the above named cases.

Yours truly,

Commissioner in Charge.

Muskogee, Indian Territory, July 14, 1904.

Elvira G. Lamb,

Brin Springs, Indian Territory,

Dear Madam:

You are hereby notified that the Commission to the Five Civilized Tribes, on July 14, 1904, rendered its decision refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Robert H. Mitchell et al., including you and your minor children, Roy Lee Lamb, Beulah V. Lamb, George R. Lamb and James G. Lamb.

You are further notified that you will be allowed fifteen days from the date hereof within which to file arguments in this office, and that at the expiration of said time the papers in the case, together with such arguments as may be filed, will be forwarded to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

(SIGNED)

Chairman.

Registered.

M.C.R.-5855.

COPY.

Muskogee, Indian Territory, May 2, 1906.

Elvira C. Lamb,

Brin Springs, Indian Territory.

Dear Madam:

You are hereby notified that the Secretary of the Interior on April 25, 1906, affirmed the decision of the Commission to the Five Civilized Tribes of July 14, 1904, refusing the applications of the several persons in the consolidated Mississippi Choctaw case of Robert H. Mitchell, et al, of which the application for the identification of yourself and minor children is a part.

Respectfully,

SIGNED *Tams Bixby.*

Commissioner.

For Identification as a Mississippi Choctaw.

Date

JUN 23 1902

Name

Elvira G Lamb.

Age

26

Blood

1/6

Post-Office,

Erin Springs, S.C.

Father

Wm C. Mitchell L

Mother

Nancy " L

Claims through

husband Father

William Lamb

no claim for husband. L

For

Children:

Roy Lee Lamb,

6

Geulah V. "

4

George B. "

2

James G. "

Sm

Stenographer

W. H. Martin

Choctaw MCR 5856

Thomas J. Fisher

MCR 5856

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.

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In the matter of the application of Thomas J. Fisher,
et al., for identification as Mississippi Choctaws:- M.C.R.5886.

List of papers forwarded to the Secretary of the Interior
comprising the record in the above case.

| | (Page) |
|--|--------|
| Original application of Thomas J. Fisher, et al.,
to the Dawes Commission for identification as
Mississippi Choctaws----- | 1 |
| Decision of the Commission refusing the applica-
tion of Thomas J. Fisher, et al., for identifi-
cation as Mississippi Choctaws----- | 7 |

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Department of the Interior,
Commission to the Five Civilized Tribes.
Muskogee, I. T., June 23, 1902.

#3856.

In the matter of the application of Thomas J. Fisher for the identification of himself and his five minor children, Grover C., Earnest P., Virgil, Gracie, and Daisy Fisher, as Mississippi Choctaws.

Thomas J. Fisher after being first duly sworn testifies as follows:

Examination by the Commission.

- Q What is your name? A Thomas J. Fisher.
Q How old are you Mr. Fisher? A 48.
Q How much Choctaw blood do you claim? A One-eighth.
Q What is your post office address? A Reagan, Indian Territory.
Q What Nation? A Chickasaw Nation.
Q How long have you lived in the Chickasaw Nation? A About 8 years.
Q Where did you live before that? A In Texas, born in Tennessee.
Q How long did you live in Texas? A 8 or 10 years.
Q Where before that? A Tennessee.
Q All your life? A Yes, born in Tennessee.
Q Is your father living? A No sir.
Q What was his name? A Harve Fisher.
Q Is your mother living? A No sir.
Q What was her name? A Rebecca Fisher.
Q Through which one of your parents do you derive Choctaw blood? A My father.
Q How long has he been dead? A Since '61.
Q Since 1861, how old was he when he died? A I presume about forty.
Q Where was he born? A In Mississippi.
Q In what county? A I don't know that, I was very small when he died.
Q How long did he live in Mississippi after his birth? A I can't tell you; I don't remember.
Q Have you any idea? A No sir.
Q He moved from Mississippi to Tennessee? A Yes sir.
Q You do not know how old he was when he moved to Tennessee? A No sir.
Q Through which one of his parents did he get his Choctaw blood? A From his father.

- Q What was his father's name? Neal Fisher.
- Q Neal Fisher was a half breed Choctaw, according to your statement? A Yes sir.
- Q How old would he be if living now? A He would be over a hundred.
- Q Where was Neal Fisher born? A Mississippi.
- Q How long did he live there? A All his life, he was killed there.
- Q In what year? A I do not remember.
- Q Can you tell about what year? A No sir.
- Q Before or after the birth of your father? A Afterwards.
- Q How long afterwards? A It was not but a few years, pretty soon afterwards.
- Q Do you know whether Neal Fisher was living in the old Choctaw Nation in Mississippi in the year 1830? A I don't think he was, I think he was killed before that time.
- Q Do you know whether your father's mother was living there there then? A She was not.
- Q Where did she live in 1830? A She died in Mississippi, both died about the same time.
- Q Before 1830? A Yes sir.
- Q With whom did your father live in 1830? A What tribe of Indians?
- Q Who did he live with? A I presume some of his relatives.
- Q Do you know who he lived with? A No sir, I don't; I know very little about my people.
- Q How many children did these people have at the time of their death?
- A Just had my father; me, there was two of the children, my father and another one; both are dead.
- Q And you do not know what became of these children after the death of their parents? A No sir.
- Q Do you know where they lived in 1830, your father and his brother or sister? A My father was living then in 1830, in Mississippi, or in Tennessee; he died in Tennessee, so did my uncle die in Tennessee.
- Q He never went back to Mississippi after he left there? A No sir.
- Q Do you know whether your father was ever recognized as a member of the Choctaw tribe of Indians? A You mean enrolled?
- Q Yes, admitted to citizenship or enrolled as a member of the tribe? A No sir I do not know.
- Q Did he ever live in the Choctaw Nation, Indian Territory? A No sir.
- Q Do you know whether your father's father was ever recognized as a member of the Choctaw tribe of Indians? A No sir I don't; he could not speak English. He talked their language, so I have been told.
- Q Neal Fisher? A Yes sir.
- Q Were your father and mother lawfully married? A Yes sir.
- Q What evidence have you of that fact? A I have none, and I don't think I can get that, for their marriage certificate was in Cockville, Tennessee, at the time the court house burned and all the records burned.
- Q How long did your father and mother live together as husband and wife? A I presume about 20 years.
- Q How many children were born to them? A Five.

- Q You are certain, however, they were lawfully married? A That was what I was informed, I presume they were.
- Q Do you know whether Neal Fisher and your father's mother were lawfully married? A No sir, I don't.
- Q How many children were born to them? A Only two.
- Q What was the name of your father's mother? A Mary Fisher.
- Q Do you know of any person living by whom you can prove their marriage? A No sir.
- Q Don't know of any way of proving it? A No sir.
- Q Are you married? A Yes sir, I have been married twice; my first wife is dead.
- Q What is the name of your present wife? A She is a Chickasaw Indian.
- Q What is her name? A Amanda Fisher, she is on the roll.
- Q You make no claim for your wife as a Mississippi Choctaw? A No sir.
- Q Have you any children by your present wife? A Yes sir, one, it is enrolled.
- Q It is enrolled as a Chickasaw? A Yes sir.
- Q You do not care to make application for that child as a Mississippi Choctaw? A No sir.
- Q What is the name of the child? A Lewis Keel Fisher, a boy.
- Q Have you any children by your first wife? A Yes sir, five.
- Q Age any of them of age? A No sir, the oldest is 18.
- Q None of them married? A No sir.
- Q What are the names of these five children by your first wife? A Grover O. is the oldest, 18.
- Q Next one? A Earnest P., 16.
- Q Next one? A Virgil, 14.
- Q Next one? A Gracie, 12.
- Q Next one? A Daisy, 10., that's all.
- Q Are these five children all living with you at this time? A No sir, one is in business in Ardmore, and the other four are in school.
- Q But their home is with you? A Yes sir.
- Q And you desire to make application for yourself and five minor children? A Yes sir.
- Q What is the name of the mother of these children? A Minnie, she's dead.
- Q She had no Choctaw blood? A No sir.
- Q Were you married to her under a license? A In Tennessee, yes sir.
- Q Have you the marriage license with you at that time? A No sir, I will have to write and get it.

It will be necessary that you furnish the Commission with proper evidence of that marriage to Minnie, the mother of these five minor children; this should be furnished within ten days from this date.

- Q Is your name, or the name of any one of these children for whom you make application, to be found upon any of the Choctaw tribal rolls of Indians? A No sir.
- Q Have you ever made application in your own behalf or in behalf of these children to the Choctaw tribal authorities for the purpose of establishing their rights as Choctaw Indians? A No sir.
- Q Did you or anyone for you in the year 1898 make application

to this Commission for citizenship in the Choctaw Nation for yourself or any one of these children for whom you now make application for under the act of Congress approved June 10, 1896? A No sir.

- Q Have you ever made any application of any description before today for either of these children or yourself for the purpose of establishing your rights as Choctaw Indians? A No sir.
- Q None of you have been recognized, enrolled or admitted to citizenship? A No sir.
- Q You appear before the Commission at this time for the purpose of claiming rights in the Indian lands in the Indian Territory? A Yes sir.
- Q Under the provisions of the 14th article of the treaty of Dancing Rabbit Creek? A Yes sir.
- Q You have heard that 14th article explained several times and understand it thoroughly? A Yes sir.
- Q Did any of your Choctaw ancestors comply or attempt to comply with its provisions or receive any benefits under that article to your knowledge? A You mean as Mississippi Choctaws? They have complied and are on the rolls some of them, but I don't think they ever received any benefits.
- Q When were they put on the rolls, and what do you mean by the rolls? A Galip Fisher was placed upon the rolls about two years ago.
- Q I refer to this old treaty provision of the 14th article of the treaty of 1830, I want to know if any of your ancestors who may have been living in 1830 were recognized members of the Choctaw tribe of Indians, and if such was the case if they ever complied or attempted to comply with that treaty provision, 72 years ago? A I don't know.
- Q Did any of them to your knowledge own an improvements in the old Choctaw Nation in Mississippi or Alabama in the year 1830 when this treaty was made? A Not to my knowledge.
- Q Did any of them live in the old Choctaw Nation at that time to your knowledge? A No, except hearsay.
- Q According to your testimony your father was not living there and your grandfather was not living there? A No sir, none except distant relatives, and that I don't know myself.
- Q Do you know whether any of your Choctaw ancestors ever claimed or received any land in Mississippi under the 14th article of the treaty of Dancing Rabbit Creek? A No sir, I don't know.
- Q None of them ever received any benefits as Choctaw Indians to your knowledge? A No sir.
- Q Do you know whether any of them either in person or by proxy let the Agent of the government in Mississippi at that time know that they wanted to stay in Mississippi, become citizens of the states and take land under this 14th article? A No sir, I don't know.
- Q If one of them moved out to the new Choctaw Nation when the other portion of the tribe moved out here between the years 1833 and 1836? A Not that I know of.

In accordance with the provisions of this 14th article of the treaty of Dancing Rabbit Creek the government of the United States directed an agent in the state of Mississippi to register the names of such Choctaws as might desire to remain in Mississippi and take land and become citizens of the states. The records of the government show that this agent failed to

register and report to the government the names of many Indians who did let him know they wanted to remain and take land and become citizens of the states, and on this account the government in many instances sold land upon which they had improvements, and which they supposed they would receive from the government under this treaty provision. This caused a great deal of complaint among the Indians, and the matter was finally brought to the attention of Congress, and Congress passed certain acts between the years 1837 and 1842 providing for the appointment of Commissioners, who went down to Mississippi and heard the cases of Choctaws who claimed they had complied in all respects with the provisions of this 14th article of the treaty, that their land had been sold by the government. These Commissioners were duly appointed by the President of the United States, and went down to Mississippi and heard a great many of these Choctaw cases.

- Q Did any of your Choctaw ancestors appear before these Commissioners and establish their rights under the 14th article of the treaty of Dancing Rabbit Creek? A No sir, not that I know of.

An act of Congress approved on the 23rd day of August, 1842 provided that in case it should be finally determined that a Choctaw had complied in all respects with the provisions of this 14th article of the treaty of Dancing Rabbit Creek, but that his land had been sold by the government, he should be entitled to select in place of the land sold by the government land in Mississippi, Alabama, Louisiana or Arkansas from vacant government land, and should be given a certificate to that effect, these certificates were called script.

- Q Did any of your ancestors ever receive any such script from the government under this act of Congress? A No sir.
Q None of them ever received any benefits whatever as Choctaws? A None that I know of.
Q Do you know of any old person living who would likely know whether any of your ancestors ever complied or attempted to comply with this 14th article of the treaty of Dancing Rabbit Creek, or ever received any benefits thereunder? A No, unless it would be old man Galip Fisher; I will present his evidence in the ten days.
Q How old a man is he? A I think he said he was 65.
Q You do not know of anyone else? A No sir.
Q Do you know of any written evidence of any description which would prove or tend to prove that any of your ancestors ever complied or attempted to comply with this treaty provision? A No sir, not that I know of.
Q Have you any written evidence that you want to offer at this time? A No sir.
Q You have no witnesses here today to testify in your behalf? A No sir.

If you want to introduce any evidence in support of this application, either verbal or written, you should introduce it

within ten days from this date.

By applicant: Would affidavits do if I took them before a Notary?

By Commission: Of course the Commission will consider that kind of evidence if you should send it in, but the verbal testimony of witnesses would be preferable to ex parte affidavits.

- Q Do you speak or understand the Choctaw language? A No sir, I understand some, but very little.
- Q Are there any other statements that you want to make at this time in support of this application? A No sir.
- Q Have you any brothers living? A Yes sir, one.
- Q What is his name? A Neal Fisher, but he is not an applicant here, and probably never will be; he is living in Tennessee, and I have a sister there also.
- Q What is her name? A Amanda Fisher.
- Q Unmarried? A married now, Amanda Nobles now.
- Q She has never been before the Commission either? A No sir, I don't think she will ever come.
- Q You have no brothers or sisters who live here? A No sir, none that live here.
- Q You said your father had a brother or sister? A He is dead.
- Q Did he leave any children? A Not that I know of.
- Q Have you any relatives living who have appeared before the Commission? A Yes sir.
- Q As applicants for identification as Mississippi Choctaws?
- Q A Yes, Calip Fisher and old man Osborn Fisher, who was admitted as a Choctaw by blood, he is dead though.
- Q What relation is Calip Fisher to you? A Second cousin.
- Q Who is the common ancestor of you and Calip Fisher, Choctaw Ancestor? A You mean the old ones?
- Q Calip Fisher must be a descendant of a brother of Neal Fisher? A Yes sir.
- Q Do you know the name of Neal Fisher's father? A No sir.
- Q What is the name of this brother of Neal Fisher of whom Calip Fisher is a descendant? A His name was Calip Fisher too.

For the application of Calip Fisher see M C R 654.

This applicant has the appearance of being a white man; shows no indication of being possessed of Choctaw blood; has dark hair, rather dark complexion; dark gray eyes; he has no knowledge of the compliance on the part of any one of his ancestors with the provisions of the 14th article of Dancing Rabbit Creek.

W H Martin being first duly sworn on oath states that as stenographer to the Commission to the Five Civilized Tribes he recorded in full the above proceedings on the 23rd day of June, 1902, and that the foregoing is a full, true and correct transcript of his stenographic notes in the same.

W. H. Martin

Subscribed and sworn to before me this 28th day of June, 1902.

[Signature]
Notary Public.

G.A.L.
Cow.

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.

---O---

In the matter of the application of Thomas J. Fisher, et al.,
for identification as Mississippi Choctaws, M.C.R. 5856.

--- D E C I S I O N ---

It appears from the record herein that application for identification as Mississippi Choctaws was made to this Commission by Thomas J. Fisher for himself and his five minor children, Grover C., Earnest P., Virgil, Gracie and Daisy Fisher, under the following provision of the act of Congress approved June 28, 1898 (30 Stats., 425):

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses, and perform all other acts necessary thereto and make report to the Secretary of the Interior."

It also appears that all of said applicants claim rights in the Choctaw lands under article fourteen of the treaty between

the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, by reason of being descendants of Neal Fisher, who is alleged to have been an one-half blood Choctaw Indian and to have resided in Mississippi in eighteen hundred and thirty.

It further appears from the evidence submitted in support of said application, and from the records in the possession of the Commission, that none of said applicants has ever been enrolled by the Choctaw tribal authorities as a member of the Choctaw tribe, or admitted to Choctaw citizenship by a duly constituted court or committee of the Choctaw Nation, or by the Commission to the Five Civilized Tribes, or by a decree of the United States Court in Indian Territory, under the provisions of the act of Congress approved June 10, 1896 (29 Stats., 321).

It does not appear from the testimony and evidence offered in support of said application, or from the records in the possession of the Commission relating to persons who complied or attempted to comply with the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and to persons who heretofore were claimants thereunder, that the said Neal Fisher, or an ancestor less remote signified (in person or by proxy) to Colonel Wm. Ward, Indian Agent, Choctaw Agency, an intention to comply with the provisions of said article fourteen, or presented a claim to rights thereunder to either of the Commissions authorized to adjudicate such claims by the acts of Congress approved March 3, 1837 (5 Stats., 180) and August 23, 1842 (5 Stats., 313).

It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Thomas J. Fisher, Grover C. Fisher, Earnest P. Fisher, Virgil Fisher, Gracie

Fisher and Daisy Fisher, as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the application for their identification as such should be refused, and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

Tame Pirby.

Acting Chairman.

T. E. Needles.

Commissioner.

Muskogee, Indian Territory,

JAN 7 1903

C. R. Brockinridge.

Commissioner.

Muskogee, Indian Territory, January 7, 1903.

Mansfield, McMurray & Cornish,

Attorneys for the Choctaw and Chickasaw Nations,

South McAlester, Indian Territory.

Gentlemen:

You are hereby advised that on the 7th day of January, 1903, the Commission to the Five Civilized Tribes rendered a decision in the case of Thomas J. Fisher, et al., applicants for identification as Mississippi Choctaws.

This application was made under the provision of the act of Congress of June 28, 1898 (30 Stats., 495).

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Thomas J. Fisher, Grover C. Fisher, Earnest P. Fisher, Virgil Fisher, Gracie Fisher and Daisy Fisher, as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the application for their identification as such should be refused, and it is so ordered."

You are further advised that the applicants in this case have been allowed fifteen days from the date hereof within which to file arguments in this office, and that at the expiration of said time the papers in the case together with such arguments will be forwarded to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

Acting Chairman.

Muskogee, Indian Territory, January 7, 1903.

Thomas J. Fisher,

Reagan, Indian Territory.

Dear Sir:

You are hereby advised that on the 7th day of January, 1903, the Commission to the Five Civilized Tribes rendered a decision in the case of Thomas J. Fisher, et al., applicants for identification as Mississippi Choctaws.

This application was made under the provision of the act of Congress of June 28, 1898 (30 Stats., 495) which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto and make report to the Secretary of the Interior."

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Thomas J. Fisher, Grover C. Fisher, Earnest P. Fisher, Virgil Fisher, Gracie Fisher and Daisy Fisher, as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the application for their identification as such should be refused, and it is so ordered."

You are further advised that you will be allowed fifteen days from the date hereof within which to file arguments in this

office, and that at the expiration of said time the papers in the case together with such arguments will be forwarded to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

James G. Barry,
Acting Chairman.

Registered.

Muskogee, Indian Territory, January 23, 1903.

The Honorable,

The Secretary of the Interior.

Sir:

There is transmitted herewith the record in the case of Thomas J. Fisher, et al., applicants to the Commission for identification as Mississippi Choctaws, including the decision of the Commission of January 7, 1903.

The Commission has the honor to report that the principal applicant, herein and the attorneys for the Choctaw and Chickasaw Nations have been duly advised by letter of the action of the Commission, copies of said letters being attached to the record.

The applicants in this case are related to the applicants in the consolidated Mississippi Choctaw case of Calip Fisher, et al., decision in which was rendered by the Commission on July 18, 1902, and approved by the Secretary on September 30, 1902.

Respectfully,

Through the
Commissioner of Indian Affairs.

Enc. M.C.R. 5856.

(SIGNED)

Acting Chairman.

(COPY)

Land
6141-1903.

DEPARTMENT OF THE INTERIOR,
Office of Indian Affairs,
Washington,

February 14, 1903.

The Honorable

The Secretary of the Interior.

Sir:

There is transmitted herewith record of the Commission to the Five Civilized Tribes in the matter of the application for identification as Mississippi Choctaws of Thomas J. Fisher, for himself and five children, Grover, C., Earnest P., Virgil, Gracie and Daisy Fisher, wherein a decision adverse to the applicants was rendered by the Commission January 7, 1903.

It appears from the evidence in this case that the applicants base their claim to identification on their descent from Neil Fisher and Harve Fisher, who, it is claimed, were Choctaw citizens and resided in the Choctaw Nation in Mississippi or Alabama in 1830.

The Commission bases its decision rejecting these parties on the ground that its records do not show that Neal Fisher, or any ancestor less remote, ever complied or attempted to comply with the provisions of the 14th article of the Choctaw treaty of 1830.

An examination of the records of this office discloses the fact that the names of Neil Fisher and Harve Fisher are not included in the list of those persons who complied or attempted to comply with the provisions of the 14th article of the Chestaw treaty of 1830, and it is recommended that the decision of the Commission rejecting the parties be approved.

Very respectfully,

(Signed) A. C. Tonner,

Acting Commissioner.

E.B.H. H'r.

3 enclosures.

D.C. 6995-1998.
L.R. S.
ITD. 1680-1903.

B.A.F

DEPARTMENT OF THE INTERIOR.
WASHINGTON.

March 10, 1903.

Commission to the Five Civilized Tribes,
Muskogee, I. T.

Gentlemen:

January 23, 1903, you transmitted the record in the matter of the application for identification as Mississippi Choctaws, of Thomas J. Fisher and his minor children, Grover C., Earnest P., Virgil, Gracie and Daisy Fisher, including your decision of January 7, 1903, denying the application.

The applicants claim to be descendants of one Neal Fisher, alleged to have been a one-half blood Choctaw Indian residing in Mississippi in 1830.

The records fail to show that applicants were ever admitted or enrolled as citizens of the Choctaw Nation, or that said Neal Fisher, or an ancestor less remote, complied or attempted to comply with article 14 of the treaty of September 27, 1830, or with either of the acts of March 3, 1837 (5 Stat., 180), and August 23, 1842 (5 Stat., 513).

Reporting February 14, 1903 (Land 6141), the Acting Commissioner of Indian Affairs recommends approval of your decision. A copy of his letter is inclosed.

-2-

The Department finds no reason to modify your decision;
it is accordingly affirmed.

Respectfully,

(Signed) F. L. Campbell,

Acting Secretary.

1 inclosure.

COPY.

Muskogee, Indian Territory, March 21, 1903.

Mansfield, McMurray & Gernish,

Attorneys for the Choctaw and Chickasaw Nations,
South McAlester, Indian Territory.

Gentlemen:

You are hereby notified that on the 10th day of March, 1903, the Secretary of the Interior affirmed the decision of this Commission, refusing the application for identification as Mississippi Choctaws, of the several persons included in the case of Thomas J. Fisher, et al., of which decision you were advised by mail on the 7th day of January, 1903.

Respectfully,

(SIGNED)

James Bixby.

Chairman.

M. C. R. 5856

Copy

Muskogee, nd Indian Territory, March 21, 1903.

Thomas J. Fisher,
Reagan, Indian Territory.

Dear Sir:

You are hereby notified that on the 10th day of March, 1903, the Secretary of the Interior affirmed the decision of this Commission, refusing the application for identification as Mississippi Choctaws, of the several persons included in the case of Thomas J. Fisher, et al., of which decision you were advised by registered mail on the 7th day of January, 1903.

Respectfully,

(SIGNED).

Jams Dixby.
Chairman.

For Identification as a Mississippi Choctaw.

Date _____
 Name *Thomas F. Fisher*
 Age *46* Blood *1/8*
 Post-Office *Neagan, N.S.*
 Father *Harve Fisher* &
 Mother *Rebecca* " d
 Claims through *Father*
 Wife *Amanda Fisher* &
No claim for wife
 or *relative*
 Children

| | |
|-------------------------|----------------|
| <i>Grover C. Fisher</i> | <i>18</i> |
| <i>Earnest P.</i> | <i>" 16</i> |
| <i>Virgil</i> | <i>" 14</i> |
| <i>Gracie</i> | <i>" 12</i> |
| <i>Laisy</i> | <i>" 10</i> |
| <i>Mother Minnie</i> | <i>" (w) d</i> |

Enographer

W. H. Martin

Choctaw MCR 5857

Ennis Palmer

See MCR 4006

MCR 5857

Department of the Interior,
Commission to the Five Civilized Tribes.
Muskogee, I. T., June 23, 1902.

#3257.

In the matter of the application of Henry J. Palmer for the identification of his three minor children, Eunis, Edgar, and Herbert Palmer, as Mississippi Choctaws.

J. G. Ralls, attorney for applicants.

Henry J. Palmer being first duly sworn testifies as follows:

Examination by the Commission.

- Q What is your name? A Henry J. Palmer.
Q How old are you, Mr. Palmer? A I am 47 years old, soon will be.
Q Have you any Choctaw blood? A No sir.
Q For what purpose do you appear before the Commission at this time? A To register my children under the Choctaw claim as near as I can tell you.
Q How many children? A Three.
Q Is the mother of these children living? A No sir.
Q Are the children living with you? A Yes sir.
Q How old is the oldest? A 20 in July.
Q Married? A No sir.
Q What is your post office address? A Laws, Franklin County, Texas.
Q How long have you lived in the state of Texas? A 47 years; born and raised there.
Q These children have living there all their lives too? A Yes sir.
Q Give us the names and ages of these children for whom you apply? A Eunis Palmer, 20 years old. Edgar.
Q How old is Edgar? A He will be—there is just a year and a half difference, he is 18.
Q The next one? A He will be 17 the 30th of July.
Q What is his name? A Herbert.
Q What is the name of the mother of these children? A Alice E. Palmer.
Q How much Choctaw blood did she have? A One thirtyscond I think is what they claim.
Q How long has she been dead? A She has been dead about 12 years last February.
Q About how old was she when she died? A I can look up the record and tell you exactly.
Q Tell us about how old? A About 20, right at 20.
Q You say she died 11 or 12 years ago? A I reckon it has been 12 years ago.

- Q How old was she when this oldest boy was born? A I reckon she was about 16 years old as well as I recollect.
- Q Were these three children all the children of yourself and Alice M. Palmer? A Yes sir.
- Q Where was Alice M. Palmer born? A I think in Franklin County, Texas.
- Q You never lived in the Choctaw Nation? A No sir.
- Q These boys never lived there? A No sir.
- Q Their residence has always been the same as yours? A Yes sir.
- Q Through which one of her parents did Alice M. Palmer derive her Choctaw blood? A Her father.
- Q What was his name? A Dumas, B. F. Dumas, Ben Dumas.
- Q Is he living? A Yes sir.
- Q Has he ever been before this Commission as an applicant for identification as a Mississippi Choctaw? A Yes, I think so.
- Q About how old a man is he? A About 60, somewhere near 60.
- Q What is the name of your wife's mother? A Lou Dumas, I don't recollect her double name.
- Q Through which one of his parents did Ben Dumas get his Choctaw blood? A His father.
- Q What was his name? A I am not certain, but it seems to me it was David.
- Q Where was Ben Dumas born? A I know nothing but what I have been told; I think it was Georgia.
- Q Where was his father born? A I can't tell you, for I never heard.
- Q Do you know how old his father would be if living now? A No sir.
- Q Have you any idea? A No sir.
- Q Have these children of yours ever been recognized in any manner or enrolled as citizens of the Choctaw Nation by the Choctaw tribal authorities? A No sir.
- Q Has their mother? A No sir.
- Q Or their father or grandfather, Dumas? A Not that I ever heard of.
- Q None of them ever lived in the Choctaw Nation, Indian Territory? A No sir, I don't think they ever have.
- Q You appear before the Commission at this time for the purpose of claiming rights in the Choctaw lands in the Indian Territory, for these three minor children, Eunice, Edgar and Herbert, under the provisions of the 14th article of the treaty of Dancing Rabbit Creek? A Yes sir.
- Q Has any application of any description ever been made before today to the Commission to the Five Civilized Tribes or to the Choctaw tribal authorities in behalf of any one of these children for the purpose of establishing his right as a Choctaw Indian? A No sir, never have.
- Q None of them have ever been admitted to citizenship in that nature? A No sir.
- Q And none of these children or any of their Choctaw ancestors so far as you know have ever received any benefits as Choctaw Indians? A None that I know of.

The treaty of Dancing Rabbit Creek was entered into in the state of Mississippi on the 27th day of September, 1830, between the United States government and the Choctaw tribe of Indians. At the time this treaty was made the Choctaws lived in the state of Mississippi and along the western edge of the state of Alabama in what is now known as the old Choctaw Nation. The object of the treaty was to get these Indians to

move out west of the Mississippi river to a new country, part of which is now occupied by the greater portion of the Choctaw tribe of Indians, known as the Choctaw-Chickasaw country of the Indian Territory. At the time the treaty was made some of the Indians were unwilling to leave the old Nation and come out west of the Mississippi, and for the benefit of those who insisted on being permitted to remain there what is known as the 14th article was put into the treaty. That 14th article provided that upon certain conditions the Choctaws who preferred to stay there in Mississippi and not move out west might receive land there. It is as follows:

"ARTICLE XIV. Each Choctaw head of a family being desirous to remain and become a citizen of the states shall be permitted to do so by signifying his intention to the Agent within six months from the ratification of this treaty, and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land, to be bounded by sectional lines of survey; in like manner shall be entitled to one half that quantity for each unmarried child which is living with him over ten years of age, and a quarter section to such child as may be under ten years of age, to adjoin the location of the parent; if they reside upon said lands intending to become citizens of the states for five years after the ratification of this treaty, in that case, a grant in fee simple shall issue. Said reservation shall include the present improvement of the head of the family, or a portion of it. Persons who claim under this article shall not lose the privilege of a Choctaw citizen, but if they ever remove are not entitled to any portion of the Choctaw annuity."

- Q You understand that 14th article do you, Mr. Palmer? A I think I do.
- Q Did any of the Choctaw ancestors of these minor children for whom you make application ever comply or attempt to comply with its provisions, or ever receive any benefits under that article to your knowledge? A Not to my knowledge.
- Q Did any of them within six months after the treaty of Dancing Rabbit Creek was ratified let the agent for the government in Mississippi for the Choctaws know that they wanted to stay there, become citizens of the states and take land? A I have been told they did.
- Q Who told you they did? A The old man Dumas told me so.
- Q What is his name? A Ben Dumas.
- Q What one of the ancestors of these boys did so let the Agent know he wanted to stay and become citizens of the state and take land? A His grandmother I think did so.
- Q What did you say Ben Dumas father's name was, Dave? A I think so.
- Q It was the mother of Dave Dumas who did this? A If I ain't mistaken.
- Q What was her name? A Brashears.
- Q What was her given name? A Brashears is all I know now, I don't recollect it.
- Q Do you know the name of her husband? A No, can't call it.
- Q Do you know the names of any of her brothers and sisters? A No sir.
- Q Do you know how old she was in 1830 when this treaty was made? A No sir.
- Q Do you know or have any idea how old Dave Dumas was at that time? A No sir.

- Q Can't you think of her given name? A No sir.
- Q Do you know how much Choctaw blood she had? A I think she had a quarter; I am not certain about that; that is what they claim.
- Q Do you know whether this woman or any of the Choctaw ancestors of these boys ever claimed or received any land from the government of the United States in Mississippi under the provisions of the 14th article of the treaty of Dancing Rabbit Creek?
- A I do not know, no sir.
- Q Did you ever hear of any of the ancestors of these boys ever having received any benefits whatever as Choctaw Indians?
- A Never did, no sir.
- Q You think you can find out the name of this woman?

BY MR RALLS:

I can tell you her name; her name was Elizabeth.

BY THE COMMISSIONER:

- Q The name of Elizabeth has been suggested by your counsel; is that the name Ben Buman told you was the name of the mother of Dave Buman? A I think so.
- Q Can you swear positively that that is the name he told you?
- A No sir, I can't say positively.

In accordance with the provisions of the 14th article of the treaty of Dancing Rabbit Creek the government of the United States directed an Agent in the state of Mississippi to register the names of such Choctaws who might desire to remain there and become citizens of the state and take land. The records of the government show that this agent failed to register and report to the government the names of a great many Choctaws who did in fact let him know they wanted to stay in Mississippi, become citizens of the state and take land; and on this account the government at its public land sales in Mississippi in many instances sold land upon which Choctaws lived and had improvements and which they supposed they would receive under this 14th article of the treaty, and this caused a good many complaints, and the matter was finally brought to the attention of Congress and Congress passed certain acts in 1837 and in 1842 providing for the appointment of Commissioners whose duty it would be to go to Mississippi and hear the claims of Choctaws who claimed they had complied in all respects with the provisions of the 14th article of that treaty, but that their land had been sold by the government. These Commissioners were duly appointed by the President of the United States, and they proceeded to Mississippi and heard a great many of these cases.

- Q Did any of the ancestors of your minor sons appear before any of these Commissioners and attempt to establish their right under the 14th article of the treaty of Dancing Rabbit Creek?
- A I do not know sir.

An act of Congress approved on the 23rd day of August, 1842, provided that in case it should be finally decided that a Choctaw by blood had complied in all respects with the provisions of the 14th article of the treaty of Dancing Rabbit

Creek, but that his land had been sold by the government, he should be entitled to select in place of the land so sold by the government land some place else in Mississippi, or Alabama, Louisiana or Arkansas, from vacant government land, and should be given a certificate to that effect; these certificates were called script.

- Q Did any of the Choctaw ancestors of these minor children for whom you make application ever get any script from the government under this act of Congress? A I don't know.
- Q You never heard of any of the Choctaw ancestors of these children ever receiving any benefits whatever from the government as Choctaw Indians? A No sir, never heard of it.
- Q Do you know of any old person living who would likely know whether any of the ancestors of these minor children ever complied or attempted to comply with the provisions of that 14th article of the treaty of Dancing Rabbit Creek, or ever received any benefits thereunder? A No sir.
- Q Do you know of any written evidence that would prove or tend to prove such a state of facts? A No sir, I do not myself.
- Q Have you any witnesses here today to testify in your behalf? A No sir.
- Q Any written evidence to offer? A No sir, not today.

If you should find any written evidence or any witnesses whose testimony you desire to offer you will be allowed to submit such additional evidence within ten days from this date in support of the application for these minor children.

- Q Are there any other statements you want to make at this time in support of this application? A No sir.
- Q Has your wife any brothers living? A Yes sir, one.
- Q What is his name? A James D. Dumas.
- Q Has he been before the Commission as an applicant for identification as a Mississippi Choctaw? A Yes sir.
- Q Has Benjamin F. Dumas been before the Commission? A Yes sir.
- Q What relation is he to Scott S. Dumas? A A second cousin I think it is, or own cousin, own cousin.

See consolidated case of Scott S. Dumas, et al., No H O R 4006.

A certified copy of marriage license of Henry Palmer and Alice Dumas offered in evidence, identified as "Exhibit A", filed and made a part of the record in this case.

- Q The name appearing in this marriage license is Henry Palmer; are you the identical Henry Palmer referred to in this license? A Yes sir.

The applicant is a white man; and he has no knowledge of the compliance on the part of the ancestors of the three minor children for whom he makes application with the provisions of the 14th article of the treaty of Dancing Rabbit Creek, although he claims that one Benjamin F. Dumas, the father of his deceased wife, has informed him that one of the ancestors of these minor children within six months after the treaty

of Dancing Rabbit Creek was ratified let the Agent of the government in Mississippi know that she desired to remain and become a citizen of the state and take land under the 14th article of the treaty of Dancing Rabbit Creek.

W H Martin being first duly sworn on oath states that as stenographer to the Commission to the Five Civilized Tribes he recorded in full the above proceedings on the 23rd day of June, 1902, and that the within and foregoing is a full, true and correct transcript of his stenographic notes in the same.

W H Martin

Subscribed and sworn to before me this 25th day of June, 1902.

Samuel H. Woodward
Notary Public.

COPY.

AMERICAN
INDIAN
BUREAU
WASHINGTON

COMMISSION TO THE FIVE CIVILIZED TRIBES

M. C. R. 5857.

MUSKOGEE, INDIAN TERRITORY, May 15, 1903

Henry J. Palmer,
Laws, Texas.

You are hereby advised that on the 15th day of May, 1903, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Scott S. Dumas, et al., embracing the following applications for identification as Mississippi Choctaws:

| | |
|---------------------------------|---------------|
| Scott S. Dumas, et al., | M. C. R. 4006 |
| Miles G. Lantrip, | M. C. R. 4737 |
| Mary P. Phillips, et al., | M. C. R. 4738 |
| Isom Lantrip, | M. C. R. 4739 |
| William T. Brasher, et al., | M. C. R. 4740 |
| Andy Brasher, et al., | M. C. R. 4741 |
| Robert L. Brasher, | M. C. R. 4742 |
| Albert Collums, | M. C. R. 4743 |
| James S. Collums, | M. C. R. 4744 |
| Thaddeus W. Dumas, | M. C. R. 5737 |
| Aurelius W. Dumas, | M. C. R. 5726 |
| Alexander Dumas, et al., | M. C. R. 6113 |
| Sharkey H. Roth, | M. C. R. 5845 |
| Mary E. Carothers, et al., | M. C. R. 5700 |
| Carrie McConico, et al., | M. C. R. 5520 |
| Bernard A. Williams, et al., | M. C. R. 5144 |
| Maud Cain, et al., | M. C. R. 5807 |
| Claude A. Grantham, et al., | M. C. R. 5714 |
| James J. Dumas, et al., | M. C. R. 5717 |
| Sydney L. Dumas, | M. C. R. 5803 |
| Adella Caroline Hardin, et al., | M. C. R. 5698 |
| Lulu K. Smith, et al., | M. C. R. 5699 |
| Benjamin F. Dumas, | M. C. R. 4521 |
| James D. Dumas, et al., | M. C. R. 4524 |
| Ennis Palmer, et al., | M. C. R. 5857 |
| Maud Terry, et al., | M. C. R. 4525 |
| Lottie McCoy, | M. C. R. 4522 |
| Jane E. McCreary, | M. C. R. 4523 |
| Mary C. L. Hollis, et al., | M. C. R. 4222 |
| William H. Hollis, et al., | M. C. R. 4311 |
| Lawrence W. Hollis, et al., | M. C. R. 4310 |
| Minnie H. Nicolds, et al., | M. C. R. 4312 |
| Mary C. McLeod, et al., | M. C. R. 4313 |
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These applications were made under the provision of the act of Congress of June 28, 1898 (30 Stats., 495), which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto, and make report to the Secretary of the Interior."

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Scott S. Dumas, Ruth Dumas, Miles G. Lantrip, Mary P. Phillips, Early E. Phillips, Esther E. Phillips, Maud E. Phillips, Leo R. Phillips, Myrtle Phillips, Lehard Phillips, Dureile Phillips, Rex Phillips, Isom Lantrip, William T. Brasher, Maltz Brasher, Vandy Brasher, Cordy Brasher, Andy Brasher, Ada Brasher, William C. Brasher, Robert L. Brasher, Albert Collums, James S. Collums, Thaddeus W. Dumas, Aurelius W. Dumas, Alexander Dumas, Dixie M. Dumas, Melville Sidney Dumas, Charles I. Dumas, Sharkey H. Roth, Mary E. Carothers, Ida Blanche McClurg, Susie May McClurg, Ada Maud McClurg, Monroe McClurg, Carrie McConico, Nannie May Mobley, Henry Pope Mobley, Willie McConico, Bernard A. Williams, Marcell Williams, John Williams, Verne Williams, Maud Williams, Hattie Williams, Maud Cain, John Joseph Cain, Ida May Cain, Claude A. Grantham, Claudia May Grantham, James J. Dumas, Lawrence Dumas, Sydney L. Dumas, Adella Caroline Hardin, Olie Caroline Hardin, Clyde Abraham Hardin, Lulu K. Smith, Opal Smith, Benjamin F. Dumas, James D. Dumas, Abbie A. Dumas, James H. Dumas, Gladys Dumas, Benjamin Dumas, Emma Palmer, Edgar Palmer, Erbert Palmer, Maud Terry, Mabel Terry, Dumas Terry, Millwee Terry, Lottie McCoy, Jane E. McCreary, Mary C. L. Hollis, Linnie L. Hollis, William H. Hollis, William H. Hollis, Jr., Lawrence W. Hollis, Eva M. Hollis, Lawrence W. Hollis, Jr., Beatrice M. Hollis, Scott W. Hollis, Minnie H. Nicolds, Richard Nicolds, Hollie Nicolds, Kate Nicolds, Edward Nicolds, Minnie Nicolds, Mary C. McLeod, Mary L. McLeod, Hattie E. Andrews, Max R. Andrews, Jr., Hattie E. Andrews (2), Charlie T. Skanner, Blanche L. Skanner, Thomas H. Hollis, Blanche G. Merchant, Lawrence W. Dumas, Mallie T. Dumas, Annie C. Dumas, Katie L. Dumas, Jane S. Dumas, Lawrence W. Dumas, Jr., Mary A. Wade, Edgar D. Wade, Glennan A. Wade, Willie P. Dumas, Jennie W. Dumas, Clark G. Dumas, Faris Dumas, John R. Dumas, Walter A. Dumas, Justin R. Dumas, Carrie A. Wilkerson, James A. Wilkerson, Walter D. Wilkerson, Maggie Ida Dumas, William P. Mims, Ransom E. Mims, Oscar M. Mims, William T. Mims, Frank E. Dumas, Ben M. Dumas, Edward W. Blakey, Edna Blakey, John Blakey, Nannie Black, Catherine Black, Charles H. Black, Ammon Wood, Willie A. Wood, Leslie B. Wood, Willie Wood, Ellington Wood, Edna Fry, Robert B. Shipp, Ruby B. Shipp, Maria J. Crawford, Lucille Crawford, Ghent Crawford, Ed S. Crawford, Jr., Jodie F. Crawford, Majie J. Crawford Cole, Jewel I. Cole, James A. Cole, Susie M. Cole, Christine Cole, Majie Douglass Cole, Elizabeth Baxter Caldwell, Mabel E. Caldwell, Jodie Lee Caldwell, Junie B. H. Calhoun, Owen H. Calhoun, Edwin C. Calhoun, J. M. Crawford, Edwin Diekey Crawford, Hattie May Crawford, James M. Crawford, Jr., Ellen Lee Crawford, Robert H. Crawford, Edna M. Follard, Crawford J. Follard, Asleen Follard, Cecil H. Follard, William Richard Follard, Everett B. Crawford, Everett B. Crawford, Jr., Edwin R. Crawford, Pinkie Creager, Margaret E. Creager, Fannie Sharp, Dan M. Sharp, Charlotte Jane Sharp, George H. Gresham, Oliver P. Gresham, Lizzie D. Gresham, Frances Margret Gresham, Robert O. Gresham, Hill Campbell Gresham, Erma Biglow, David E. Dumas, DeBerry G. Dumas, Walter A. Dumas, Birdie D. Carlet, Glenna W. Carlet, Helen C. Carlet, Mack O. Dumas, Susan M. Hendricks, Onia Ann Stephens, Leno A. Stephens, Harold Richard Stephens, Louise Stephens, Vernon Stephens, Charles Edwin Stephens, Jr., Jackson E. Hendricks, Jr., Hattie H. Hendricks, Ruth Hendricks, Rubie Hendricks, Mary H. Decker, William H. Decker, Jr., Susan H. Decker, Helen Martin, Vera Martin, Alma Martin, Samuel Martin, John W. Dumas, Ada B. Ewing, Freda Ewing, Mabel Ewing, Minnie P. Dumas, Malinda Blanks, Arthur Blanks, William C. Blanks, Ruth J. Blanks, Mary G. Blanks, Robert E. Blanks, Robert E. Blanks, Jr., Nora E. Binford, Birdie A. Wilson, John H. Wilson, Albert G. Dumas, Arline Dumas, Lisle Dumas, Dixie D. Dumas, Roxanna Freeman, William Clyde Freeman, Arizona Elizabeth Daniels, Stafford Livonia Daniels, Dixie Dumas Connolly, Sybil Connolly, Frank C. Connolly, Maude Florence Clark, Irene L. Clark, May L. Brown, Murat Dumas, Eugene Dumas, Lula A. Dumas, Lena Fulton, J. Harold Fulton, Clifford C. Fulton, Lauren Scott Cannon, Josiah R. Cannon, Kathleene Cannon, Eula Umphress, Carl C. Umphress, Helen M. Umphress, Pearl Barron, Guyon Elizabeth Barron, James W. Wheat, Dumas Wheat, Ivy A. Fowler, Dan H. Dumas, Harriet Pinkey Dumas, Eula D. Shivel, Walter W. Dumas, James P. Dumas, Travis M. Dumas, Lige F. Dumas,

Verna J. Dumas, Hazel A. Dumas, Laura D. Cole, Dorothy Cole, Victoria J. Pierce, Louis Pierce, Arthur Pierce, Lee W. T. Herman, Annie B. Wallace, Gladys Wallace, Marvin Wallace, Hortense Wallace, Ferrol Wallace, Louis Dumas, Ward Lamson Dumas, Fred Dumas, Mary A. E. Dumas, Belle Leslie, Gerline Leslie, Mae D. Leslie, Lloyd Leslie, Karl Leslie, John F. Sanders, Robert D. Sanders, Cynthia Beatrice Sanders, Turner Lee Sanders, Nancy J. Whorton, Mabel Whorton, James L. Sanders, Julia A. Wells, Emsley M. Sanders, Dottie Sanders, Cora C. Bond, Callie Bond, Ray M. Bond, Clede Bond, Margaret K. Aston, Belva Lockwood Aston, Mary Jane Damron, Emma J. Damron, Claud M. Damron, Maud Damron, Lila C. Damron, Walter W. Damron, Minnie Damron, Mamie Damron, Joseph Scott Damron, William E. Aston, Eula M. Aston, Verna D. Aston, Texanna Aston, Willie Eunice Aston, Lonie H. Aston, William Edward Aston, Jr., Vic Damron, Clara Bell Damron, Hugh Ella Damron, Jimmie Otha Damron, Nora May Damron, Willie Monroe Damron, Cynthia Jane Dicken, John R. Ferguson, William T. Sanders, Louis Burke Sanders, Wilda D. Sanders, James P. Sanders, Nellie Sanders, Cora Sanders, Olive Sanders, Missioniah Ellison, Lena Nichols, Alma Ellison, Lillie Page, Marie Page, Catharine Page, Walter H. Thompson, Jeff D. Thompson, Clarence E. Thompson, James A. Thompson, Willie L. Thompson, Madeline F. Thompson, Gracie L. Thompson, Elsie Thompson, Mary L. Thompson, Minnie L. Thompson, Essie B. Thompson, Myrtle Thompson, John L. Thompson, Mary A. Ferguson, Julia A. Ferguson, Jeff Ferguson, Scotty S. Ferguson, Georgie B. Ferguson, Lovard E. Ferguson, Vergie J. Powers, Murray Powers, Maybell Powers, Willie E. Ferguson, Vergie B. Ferguson, Frank G. Ferguson, Alonzo A. Ferguson, Sue A. Thompson, May Thompson, Ada Thompson, Emma C. Canon, Emsley J. Canon, Alexander Canon, Tullie Clyde Canon, Winnie D. Canon, Delmer Canon, George Thompson, Charlie W. Thompson, Luther Bell Thompson, Mary Gertrude Thompson, George Homer Thompson, Ida Sanford, Lula Thompson Noe, Chester William Noe, Verner L. Dumas, James Don Dumas, Ella May Dumas, Claude E. Dumas, Jim Dumas, Missie E. Biggerstaff, Dora Biggerstaff, John M. Biggerstaff, Winnie Biggerstaff, Gladys Biggerstaff, Nettie A. Woolverton, Elizabeth Wood, Eula P. Niswander, Mildred Niswander, Lawrence L. Thompson, Mildred Bell Thompson, Lawrence L. Thompson, Jr., Cornelia Elizabeth Thompson and Willie Thompson as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the applications for their identification as such should be refused, and it is so ordered."

You are further advised that you will be allowed fifteen days from the date hereof within which to file arguments in this office, and that at the expiration of said time the papers in the case, together with such arguments will be forwarded to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

(SIGNED).

Samuel D. Dyer
Chairman.

Registered.

Received of the Commission to the five civilized Tribes one copy of the testimony of Henry J. Palmer in the matter of his application for identification of his minor children as Mississippi Choctaws, Ennis Palmer, et al. M.C. 5857.

J. B. Ralls

Dated at Muskogee, Indian Territory, June 30, 1902.

Muskogee, Indian Territory, January 22, 1906.

Henry J. Palmer,
Lave, Texas.

Dear Sir:

You are hereby notified that the Secretary of the Interior, on January 1, 1906, affirmed the decision of the Commission to the Five Civilized Tribes of May 18, 1903, refusing the applications of the several persons included in the consolidated Chickasaw Choctaw case of Scott J. Lums, et al., of which, the application for the identification as Mississippi Choctaws of Annis, Edgar and Herbert Palmer, is a part.

Respectfully,

SIGNED

Commissioner.

No.

5857

For Identification as a Mississippi Choctaw.

Date

Name Henry & Palmer
For 3 children

Age

47

Blood

Post Office, Lumberton, Texas

Father

Mother

Claims through

For

Children

Ennis (Palmer) 20

Edgar " 18

Erbert " 17

Mother Alice M. Palmer (1/32) d

Stenographer

W. A. Martin

Choctaw MCR 5858

Ransom E. Mims

See MCR 4006

MCR 5858

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., June 23, 1902.

#5858.

In the matter of the application of Ransom E. Mims for the identification of himself and his two minor children, Oscar W., and William P. Mims, as Mississippi Choctaws.

J. G. Ralls, attorney for applicant.

Ransom E. Mims after being first duly sworn testifies as follows:

Examination by the Commission.

- Q What is your name? A Ransom E. Mims.
Q How old are you? A 36 years old.
Q How much Choctaw blood do you claim to have? A One-thirty-second.
Q What is your post office address? A Macogochas, Texas.
Q How long have you lived in Texas? A Born and raised there.
Q All your life then? A Yes sir.
Q Is your father living? A No sir.
Q What was his name? A William T. Mims.
Q Is your mother living? A No sir.
Q What was her name? A Nettie Mims.
Q Through which one of your parents do you derive your Choctaw blood? A My mother.
Q How old would she be if living now? A I do not know; I guess about 45.
Q Where was she born? A I do not know.
Q Did she ever live anywhere except in Texas to your knowledge? A No sir, she died when I was about three days old.
Q Through which one of her parents did she get her Choctaw blood? A Through her father.
Q Is he living? A No sir.
Q What was his name? A Dumas.
Q Given name? A Lawrence W. Dumas.
Q How old would he be if he were living now? A I don't know.
Q About how old, give us an idea? A I guess he would be 75 years old, somewhere near there.
Q Do you know where he was born? A No sir, I don't.
Q Do you know of his ever having lived anywhere except in Texas? A No sir, I don't.
Q Through which one of his parents did he get his Choctaw blood? A From his father, - or mother.
Q Which was it? A I guess he would get it from his father.
Q What was his name? A His name was Dumas, I don't know his given name, E. W. I think.
Q Now, do you know the name of Lawrence's mother, her given name? A I think it was Elizabeth.

- Q Do you know where she was born? A No sir.
Q Have no idea where she lived? A She lived in Alabama, in Fayetteville, Alabama, I believe it was.
Q Do you know where she was living in 1830? A No sir, I don't; in Lafayette County.
Q Do you mean she was living there in 1830? A No, I don't know whether she was living there in 1830 or not.
Q Are you married? A Yes sir.
Q Is your wife living? A Yes sir.
Q Has she any Choctaw blood? A No sir.
Q You make no claim for her? A No sir.
Q What is her name? A Hattie Mims.
Q Have you any children? A Two.
Q What are their names and ages? A One of them ain't named yet.
Q You will have to name it; give us the name of the eldest first? A Oscar W. Mims.
Q How old is Oscar? A Two years old.
Q Now the next; what name are you going to give it? A I guess it is named after my father, William F. Mims.
Q How old is that child? A About 37 days old.
Q Are these children both living with you at this time? A Yes sir.
Q And are the children of yourself and Hattie Mims? A Yes sir.
Q Were you married to her under a license? A Yes sir.
Q Have you that license with you? A No sir.
Q Where were you married? A Macgdoches County.
Q When? A I have been married 4 years.
Q Who married you? A Mote Waters.
Q What official position did he hold at the time he performed the ceremony? A A Justice of the Peace.

It will be necessary that you furnish the Commission with proper evidence of the marriage of yourself and Hattie Mims for use in the consideration of the application you make in behalf of your minor children; that should be furnished within ten days from this date. It will also be necessary in connection with this application that you furnish proper evidence of the marriage of Lawrence Dumas and your mother's mother, unless it has already been furnished.

MR. RALLS: Such evidence has already been furnished in the Lawrence W. Dumas case.

THE COMMISSION:

- Q This application is for yourself and two minor children? A Yes sir.
Q Is your name to be found upon any of the Choctaw tribal rolls in the Indian Territory? A Not as I know of.
Q Was your mother ever a recognized or enrolled citizen of the Choctaw Nation in the Indian Territory? A I don't know.
Q You have never heard of her having been? A No sir.
Q Is her father a recognized enrolled member of the Choctaw tribe of Indians at this time? A I don't know that either.
Q Have you ever made any application of any description either to the Choctaw authorities or the United States authorities to be admitted or enrolled as a member of the Choctaw tribe? A

No sir.

- Q This is the first application of any kind that has ever been made for you or either of these children for the purpose of establishing their rights as Choctaw Indians? A Yes sir.
- Q You appear before the Commission at this time for the purpose of claiming rights in the Choctaw lands for yourself and your two minor children under the 14th article of the treaty of Dancing Rabbit Creek? A Yes sir.
- Q You have heard this 14th article of the treaty of Dancing Rabbit Creek explained several times by the Commission, have you not? A Yes sir.
- Q You understand it thoroughly? A Yes sir, I think I do.
- Q Did any of your Choctaw ancestors ever comply or attempt to comply with its provisions, or receive any benefits under this 14th article, to your knowledge? A I don't know sir.
- Q You never heard it if they did? A No sir.
- Q Did any of them live in the old Choctaw Nation in Mississippi or Alabama in the year 1830, when this treaty was made? A I don't know.
- Q Do you know whether any of them owned an improvement there at that time? A No sir.
- Q Do you know whether any of them within six months after this treaty of Dancing Rabbit Creek was ratified let the agent of the government in Mississippi for the Choctaws know they wanted to stay in Mississippi, become citizens of the states and take land? A No sir.
- Q Did you ever hear of any of them ever having claimed any land or received any land in Mississippi from the government under this 14th article? A No sir.
- Q So far as you know none of your ancestors ever received any benefits whatever as Choctaw Indians? No sir, so far as I know.

In accordance with the provisions of this 14th article of the treaty of Dancing Rabbit Creek the government of the United States directed an agent in the state of Mississippi to register the names of such Choctaws as might desire to remain there and become citizens of the states and take land. The records of the government show that this agent failed to register and report to the government the names of many Choctaws who did in fact let him know that they wanted to stay there, become citizens of the states and take land; and on this account the government at its public land sales in Mississippi in many instances sold land upon which Choctaws lived and had improvements, and which they supposed they would receive under the 14th article of the treaty of Dancing Rabbit Creek. This caused a good many complaints among the Indians and the matter was finally brought to the attention of Congress, and Congress passed certain acts in the years 1827 and 1848 providing for the appointment of Commissioners to go down in Mississippi and hear claims of Choctaws who claimed that they had complied with the 14th article of that treaty, but that their land was sold by the government. These Commissioners were duly appointed by the President of the United States, and they went down to Mississippi and heard a great many of these Choctaw cases.

- Q Did any of your ancestors appear before either of these Commissioners and try to establish their rights under the 14th

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article of the treaty of Dancing Rabbit Creek? A I don't know.

An act of Congress approved on the 23rd day of August, 1842, provided that in case it was decided that a Choctaw had complied in all respects with the provisions of this 14th article of the treaty of Dancing Rabbit Creek, but that his land had been sold by the government he should be entitled to select in place of the land so sold by the government land in Mississippi, Alabama, Louisiana or Arkansas from vacant government land, and he should be given a certificate to that effect; these certificates were called script.

- Q Did any of your ancestors ever get any script from the government under this act of Congress? A Not that I know of.
- Q Do you know of any old person living who would likely know whether any of your ancestors complied or attempted to comply with the provisions of this 14th article of the treaty of Dancing Rabbit Creek, or ever received any benefits thereunder? A No sir.
- Q Do you know of any written evidence that would prove or tend to prove such a state of facts? A No sir.
- Q Have you any written evidence of any kind to offer at this time? A No sir.
- Q Have you any witnesses here today whose testimony you desire to have taken? A No sir.

If you should find any witnesses whose testimony you desire taken by the commission in support of this application they may appear before us here at Muskogee within ten days from this date, and their testimony will be taken; or if you should find any written evidence that you desire to submit in support of your application it should also be filed within ten days from this date, and it will receive consideration in connection with your application.

- Q What relation are you to Scott S. Dumas? A I suppose second cousin.
- Q What relation are you to Benjamin F. Dumas? A I don't know, I have an uncle that is named Benjamin Dumas.
- Q Have you any brothers who have appeared before the Commission? A No sir.
- Q Any sisters? A No sir.
- Q Have any of your mother's brothers or sisters been before this Commission? A Yes sir.
- Q Who? A John Dumas, of Rockwall, Texas; Ben Dumas of Elmore, Texas; and Lawrence Dumas, of Bullard, Texas; I have an uncle W. P. Dumas, his wife has been here.
- Q What is her name? A Jennie Dumas.

The consolidated case of Scott S. Dumas, M. C. R. 4006, is here referred to.

- Q Are there any other statements that you want to make at this time in support of this application? A No sir, I don't know of anything.

MR FALLS, Attorney for applicant:

- Q The Lawrence Dumas you mention as a brother of your mother, Lawrence W. Dumas, is he not of Bullard, Texas? A Yes sir.

- Q Has father's name was Lawrence W. Dumas also was it not? A Yes sir.
- Q And the mother of Lawrence W. Dumas, Sr., was Elizabeth? A Yes sir, Elizabeth Brashears I believe.
- Q And the father was E. W. Dumas? A Yes sir.

BY THE COMMISSION:

- Q How many brothers have you living? A Two own brothers, one sister.
- Q What are their names? A Sister's name is Nettie; Thomas H. Mims is the oldest, William P. Mims is the next oldest, and Nettie Mims is the next.
- Q Is she married? A Yes sir.
- Q What is her married name? A Her husband's name is Wolverton.

The applicant has the appearance of being a white person. Shows no indication of being possessed of any Choctaw blood; does not speak or understand the Choctaw language; and has no knowledge of the compliance on the part of his ancestors with the provisions of the 14th article of the treaty of Dancing Rabbit Creek. His complexion is inclined to be light; has dark hair and dark eyes.

W. H. Martin being first duly sworn on oath states that as stenographer to the Commission to the Five Civilized Tribes he recorded in full the above proceedings on the 23rd day of June, 1902, and that the within and foregoing is a full, true and correct transcript of his stenographic notes in the same.

W. H. Martin

Subscribed and sworn to before me this 28th day of June, 1902.

Wm. Mitchell Wood
Notary Public.

Miss. Choctaw R5858

Muskogee, Indian Territory, July 2, 1902.

J. C. Ralls,
Attorney at Law,
Atoka, Indian Territory,

Dear Sir:

Receipt is hereby acknowledged of your letter of June 28,
inclosing certified copy of marriage license and certificate between
R. E. Mims and Miss Hattie Rindall, which you offer in support of
the application of Ransom E. Mims, et al. for identification as
Mississippi Choctaws, and the same has been filed with the record in
this case.

Yours truly,

Commissioner in Charge.

Muskogee, Indian Territory, April 23, 1903.

Harris & Harris,
Attorneys at Law,
Houston, Texas.

Gentlemen:

Receipt is hereby acknowledged of your letter of the 16th instant, relative to the application of Ransom E. Mims for identification as a Mississippi Choctaw. Therein you ask "What is the present status of his claim? Is there anything further which should be done by our client? And when will final settlement of this claim be made?"

In reply to your letter you are informed that it appears from our records that Ransom E. Mims made application to this Commission for the identification of himself and minor children as Mississippi Choctaws. The Commission has not up to the present time reached any opinion or decision relative to the right of Ransom E. Mims to such identification. As soon as a decision is rendered we will be duly notified of the action of the Commission and of the forwarding of the record to the Secretary of the Interior.

The Commission cannot render opinions upon the sufficiency of evidence offered in support of Mississippi Choctaw appli-

H & H 2

cations. However, you are advised that the Commission requires of applicants for identification as Mississippi Choctaws that they not only show that they are possessed of Choctaw blood but that they must also show that they are descendants of Choctaw ancestors who resided in the old Choctaw Nation in the States of Mississippi and Alabama in 1830, and that such ancestors complied with the provisions of article 14 of the Choctaw treaty of 1830, or subsequently had their claims arising thereunder adjudicated by either of the two Commissions authorized for this purpose by the acts of Congress of March 3, 1837 and August 23, 1842.

Respectfully,

Chairman.

Muskogee, Indian Territory, May 4, 1903.

Harris & Harris,
Attorneys at Law,
Houston, Texas.

Gentlemen:

Receipt is hereby acknowledged of your letter of the 29th ultimo, relative to the Mississippi Choctaw case of Ransom B. Sims, et al. You ask if he will receive the benefit of evidence introduced in behalf of his uncles, John W. Dumas and L. W. Dumas," and further "Have you a circular of information which you can send us with regard to article 14 of the Choctaw treaty and the Acts of Congress of March 3, 1837 and August 23, 1842." You also ask to be advised of some reliable attorney in Muskogee whom you could get to represent your client in this matter.

In reply you are informed that it appears from our records that Ransom B. Sims made application to this Commission for the identification of himself and minor children as Mississippi Choctaws; said application being made a part of the consolidated Mississippi Choctaw case of Scott S. Dumas, et al. The Commission has not up to the present time rendered any decision relative to the right of these applicants to be identified as Mississippi Choctaws. As soon as a decision is rendered the applicants will be duly notified of the action of the Commission.

H & H 2

You are further informed that any evidence offered in support of the consolidated Mississippi Choctaw case of Scott S. Dumas, et al. will apply to all the cases included therein.

The Commission has no circular of the description mentioned in your letter. The 14th article of the treaty of 1830, however, is as follows:

"Each Choctaw head of a family being desirous to remain and become a citizen of the States shall be permitted to do so, by signifying his intention to the Agent within six months from the ratification of this treaty, and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land, to be bounded by sectional lines of survey; in like manner shall be entitled to one half that quantity for each unmarried child which is living with him, over ten years of age, and a quarter section to such child as may be under ten years of age, to adjoin the location of the parent. If they reside upon said lands intending to become citizens of the States for five years after the ratification of this treaty, in that case, a grant in fee simple shall issue; said reservation shall include the present improvement of the head of the family or a portion of it. Persons who claim under this article shall not lose the privilege of a Choctaw citizen but if they ever remove are not to be entitled to any portion of the Choctaw annuity."

The Commission cannot advise you relative to the employment of attorneys to represent applicants for identification as Mississippi Choctaws.

Respectfully,

Chairman.

M C R 5858

Muskogee, Indian Territory, May 7, 1903.

Harris & Harris,
Attorneys at Law,
Houston, Texas.

Gentlemen:

Receipt is hereby acknowledged of your letter of the 16th ultimo, by reference from the Secretary of the Interior, in which you ask to be advised relative to the Mississippi Choctaw case of Ransom E. Sims, et al.

In reply you are informed that under date of May 4, 1903, the Commission addressed you a communication fully advising you as to the status of the application made by Ransom E. Sims for the identification of himself and minor children as Mississippi Choctaws.

Respectfully,

Chairman.

COPY.

COMMISSIONERS

TAMS DIXBY
THOMAS B. NEEDLES
C. R. BRACKENRIDGE
W. E. STANLEY

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES

ALLISON L. AYLERWORTH
SECRETARY

REFER TO REPLY TO THE FOLLOWING

M. C. R. 5050.

MURKOGEE, INDIAN TERRITORY, May 15, 1903

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES

Ransom E. Mims,

Remailed to Houston Texas 9/2/03
Nacogdoches, Texas. G. Harris Harris

You are hereby advised that on the 15th day of May, 1903, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Scott S. Dumas, et al, embracing the following applications for identification as Mississippi Choctaws:

| | |
|---------------------------------|---------------|
| Scott S. Dumas, et al., | M. C. R. 4006 |
| Miles G. Lantrip, | M. C. R. 4737 |
| Mary P. Phillips, et al., | M. C. R. 4738 |
| Ison Lantrip, | M. C. R. 4739 |
| William T. Brasher, et al., | M. C. R. 4740 |
| Andy Brasher, et al., | M. C. R. 4741 |
| Robert L. Brasher, | M. C. R. 4742 |
| Albert Collums, | M. C. R. 4743 |
| James S. Collums, | M. C. R. 4744 |
| Thaddeus W. Dumas, | M. C. R. 5737 |
| Aurelius W. Dumas, | M. C. R. 5726 |
| Alexander Dumas, et al., | M. C. R. 6113 |
| Sharkey H. Roth, | M. C. R. 5845 |
| Mary E. Carothers, et al., | M. C. R. 5700 |
| Carrie McConico, et al., | M. C. R. 5520 |
| Bernard A. Williams, et al., | M. C. R. 5144 |
| Maud Cain, et al., | M. C. R. 5807 |
| Claude A. Grantham, et al., | M. C. R. 5714 |
| James J. Dumas, et al., | M. C. R. 5717 |
| Sydney L. Dumas, | M. C. R. 5803 |
| Adella Caroline Hardin, et al., | M. C. R. 5698 |
| Lulu K. Smith, et al., | M. C. R. 5699 |
| Benjamin F. Dumas, | M. C. R. 4521 |
| James D. Dumas, et al., | M. C. R. 4524 |
| Ennis Palmer, et al., | M. C. R. 5857 |
| Maud Terry, et al., | M. C. R. 4525 |
| Lottie McCoy, | M. C. R. 4522 |
| Jane E. McCreary, | M. C. R. 4523 |
| Mary C. L. Hollis, et al., | M. C. R. 4222 |
| William H. Hollis, et al., | M. C. R. 4311 |
| Lawrence W. Hollis, et al., | M. C. R. 4310 |
| Minnie H. Nicolds, et al., | M. C. R. 4312 |
| Mary C. McLeod, et al., | M. C. R. 4313 |
| Hattie E. Andrews, et al., | M. C. R. 4314 |
| Charlie T. Skinner, et al., | M. C. R. 4315 |

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|------------------------------------|---------------|
| Thomas H. Hollis, | M. C. R. 4309 |
| Blanche G. Merchant, | M. C. R. 4223 |
| Lawrence W. Dumas, et al., | M. C. R. 5731 |
| Mary A. Wade, et al., | M. C. R. 5822 |
| Willie P. Dumas, et al., | M. C. R. 5810 |
| John R. Dumas, et al., | M. C. R. 5701 |
| Carrie A. Wilkerson, et al., | M. C. R. 5703 |
| Maggie Ida Dumas, | M. C. R. 5702 |
| William P. Mims, | M. C. R. 5985 |
| Ransom E. Mims, et al., | M. C. R. 5858 |
| Frank E. Dumas, | M. C. R. 5732 |
| Ben M. Dumas, | M. C. R. 5811 |
| Edward W. Blakey, et al., | M. C. R. 5425 |
| Nannie Black, et al., | M. C. R. 4185 |
| Charles H. Black, | M. C. R. 4200 |
| Ammon Wood, et al., | M. C. R. 4202 |
| Willie Wood, | M. C. R. 4203 |
| Ellington Wood, | M. C. R. 4199 |
| Edna Fry, | M. C. R. 4286 |
| Robert B. Shipp, et al., | M. C. R. 4285 |
| Maria J. Crawford, et al., | M. C. R. 4115 |
| Majie J. Crawford Cole, et al., | M. C. R. 4116 |
| Elizabeth Baxter Caldwell, et al., | M. C. R. 4114 |
| Jennie B. H. Calhoun, et al., | M. C. R. 4117 |
| J. M. Crawford, et al., | M. C. R. 4094 |
| Robert H. Crawford, | M. C. R. 4164 |
| Edna M. Folliard, et al., | M. C. R. 4168 |
| Everett B. Crawford, et al., | M. C. R. 4165 |
| Edwin R. Crawford, | M. C. R. 4077 |
| Pinkie Creager, et al., | M. C. R. 4169 |
| Fannie Sharp, et al., | M. C. R. 4433 |
| George H. Gresham, | M. C. R. 4098 |
| Oliver P. Gresham, et al., | M. C. R. 4095 |
| Robert O. Gresham, et al., | M. C. R. 4201 |
| Erma Biglow, | M. C. R. 4435 |
| David E. Dumas, | M. C. R. 4651 |
| DeBerry G. Dumas, et al., | M. C. R. 4119 |
| Birdie D. Carlet, et al., | M. C. R. 4123 |
| Mack O. Dumas, | M. C. R. 4658 |
| Susan M. Hendricks, | M. C. R. 4121 |
| Onia Ann Stephens, et al., | M. C. R. 4096 |
| Jackson E. Hendricks, Jr., et al., | M. C. R. 4126 |
| Mary H. Decker, et al., | M. C. R. 4122 |
| Helen Martin, et al., | M. C. R. 4097 |
| John W. Dumas, | M. C. R. 5012 |
| Ada B. Ewing, et al., | M. C. R. 4284 |
| Minnie P. Dumas, | M. C. R. 5011 |
| Malinda Blanks, et al., | M. C. R. 4118 |
| William C. Blanks, et al., | M. C. R. 4135 |
| Robert E. Blanks, et al., | M. C. R. 4139 |
| Nora E. Binford, | M. C. R. 4125 |
| Birdie A. Wilson, et al., | M. C. R. 4134 |
| Albert G. Dumas, et al., | M. C. R. 4631 |
| Roxanna Freeman, et al., | M. C. R. 4850 |
| Arizona Elizabeth Daniels, et al., | M. C. R. 4633 |
| Dixie Dumas Connolly, et al., | M. C. R. 4632 |
| Maude Florence Clark, et al., | M. C. R. 5713 |
| May L. Brown, | M. C. R. 5725 |

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|--------------------------------|---------------|
| Murat Dumas, et al., | M. C. R. 5715 |
| Lula A. Dumas, | M. C. R. 5716 |
| Lena Fulton, et al., | M. C. R. 4144 |
| Lauren Scott Cannon, et al., | M. C. R. 4145 |
| Eula Umphress, et al., | M. C. R. 4146 |
| Pearl Barron, et al., | M. C. R. 4147 |
| James W. Wheat, et al., | M. C. R. 4695 |
| Ivy A. Fowler, | M. C. R. 4696 |
| Dan H. Dumas, et al., | M. C. R. 3766 |
| Eula D. Shivel, | M. C. R. 4075 |
| Walter W. Dumas, | M. C. R. 4015 |
| James P. Dumas, | M. C. R. 3503 |
| Travis M. Dumas, et al., | M. C. R. 4007 |
| Verna J. Dumas, et al., | M. C. R. 4140 |
| Laura D. Cole, et al., | M. C. R. 4141 |
| Victoria J. Pierce, et al., | M. C. R. 4066 |
| Lee W. T. Herman, | M. C. R. 4254 |
| Annie B. Wallace, et al., | M. C. R. 4250 |
| Louis Dumas, et al., | M. C. R. 4014 |
| Belle Leslie, et al., | M. C. R. 4067 |
| John F. Sanders, et al., | M. C. R. 5445 |
| Nancy J. Whorton, et al., | M. C. R. 5446 |
| James L. Sanders, | M. C. R. 5560 |
| Julia A. Wells, | M. C. R. 5559 |
| Emsley M. Sanders, et al., | M. C. R. 5804 |
| Cora C. Bond, et al., | M. C. R. 4620 |
| Margaret K. Aston, et al., | M. C. R. 4562 |
| Mary Jane Damron, et al., | M. C. R. 5805 |
| William E. Aston, et al., | M. C. R. 4583 |
| Vic Damron, et al., | M. C. R. 4619 |
| Cynthia Jane Dicken, et al., | M. C. R. 4582 |
| William T. Sanders, et al., | M. C. R. 5444 |
| James P. Sanders, et al., | M. C. R. 4069 |
| Missieniah Ellison, et al., | M. C. R. 4154 |
| Lillie Page, et al., | M. C. R. 4155 |
| Walter H. Thompson, | M. C. R. 4142 |
| Jeff D. Thompson, et al., | M. C. R. 4016 |
| Mary A. Ferguson, et al., | M. C. R. 4772 |
| Vergie J. Powers, et al., | M. C. R. 4773 |
| Willie E. Ferguson, et al., | M. C. R. 4774 |
| Alonzo A. Ferguson, | M. C. R. 4775 |
| Sue A. Thompson, et al., | M. C. R. 4389 |
| Ada Thompson, | M. C. R. 4076 |
| Emma C. Canon, et al., | M. C. R. 3414 |
| Winnie D. Canon, | M. C. R. 3415 |
| Delmer Canon, | M. C. R. 3761 |
| George Thompson, et al., | M. C. R. 3756 |
| George Homer Thompson, | M. C. R. 3757 |
| Ida Sandford, | M. C. R. 3759 |
| Lula Thompson Noe, et al., | M. C. R. 3760 |
| Verner L. Dumas, | M. C. R. 5719 |
| James Don Dumas, et al., | M. C. R. 5720 |
| Claude E. Dumas, et al., | M. C. R. 5721 |
| Missie E. Biggerstaff, et al., | M. C. R. 5722 |
| Nettie A. Woolverton, | M. C. R. 6185 |
| Elizabeth Wood, | M. C. R. 6268 |
| Eula P. Niswander, et al., | M. C. R. 6342 |
| Lawrence L. Thompson, et al., | M. C. R. 6373 |

These applications were made under the provision of the act of Congress of June 28, 1898 (30 Stats., 495), which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto, and make report to the Secretary of the Interior."

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Scott S. Dumas, Ruth Dumas, Miles G. Lantrip, Mary P. Phillips, Early E. Phillips, Esther E. Phillips, Maud E. Phillips, Leo R. Phillips, Myrtle Phillips, Leland Phillips, Durelle Phillips, Rex Phillips, Isom Lantrip, William T. Brasher, Maltz Brasher, Vandy Brasher, Cordy Brasher, Andy Brasher, Ada Brasher, William C. Brasher, Robert L. Brasher, Albert Collums, James S. Collums, Thaddeus W. Dumas, Aurelius W. Dumas, Alexander Dumas, Dixie M. Dumas, Melville Sidney Dumas, Charles L. Dumas, Sharkey H. Roth, Mary E. Carothers, Ida Blanche McClurg, Susie May McClurg, Ada Maud McClurg, Monroe McClurg, Carrie McConico, Nannie May Mobley, Henry Pope Mobley, Willie McConico, Bernard A. Williams, Marcells Williams, John Williams, Vernie Williams, Maud Williams, Hattie Williams, Maud Cain, John Joseph Cain, Ida May Cain, Claude A. Grantham, Claudia May Grantham, James J. Dumas, Lawrence Dumas, Sydney L. Dumas, Adella Caroline Hardin, Ollie Caroline Hardin, Clyde Abraham Hardin, Lula K. Smith, Opal Smith, Benjamin F. Dumas, James D. Dumas, Abbie A. Dumas, James H. Dumas, Gladys Dumas, Benjamin Dumas, Ennis Palmer, Edgar Palmer, Erbert Palmer, Maud Terry, Moma Terry, Dumas Terry, Millwee Terry, Lottie McCoy, Jane E. McCreary, Mary C. L. Hollis, Linnie L. Hollis, William H. Hollis, William H. Hollis, Jr., Lawrence W. Hollis, Eva M. Hollis, Lawrence W. Hollis, Jr., Beatrice M. Hollis, Scott W. Hollis, Minnie H. Nicolds, Richard Nicolds, Hollis Nicolds, Kate Nicolds, Edward Nicolds, Minnie Nicolds, Mary C. McLeod, Mary L. McLeod, Hattie E. Andrews, Max R. Andrews, Jr., Hattie E. Andrews (2), Charlie T. Skinner, Blanche L. Skinner, Thomas H. Hollis, Blanche G. Merchant, Lawrence W. Dumas, Mallie T. Dumas, Annie C. Dumas, Katie L. Dumas, Janie S. Dumas, Lawrence W. Dumas, Jr., Mary A. Wade, Edgar D. Wade, Glennan A. Wade, Willie P. Dumas, Jennie W. Dumas, Clark G. Dumas, Faris Dumas, John R. Dumas, Walter A. Dumas, Justin R. Dumas, Carrie A. Wilkerson, James A. Wilkerson, Walter D. Wilkerson, Maggie Ida Dumas, William P. Mims, Ransom E. Mims, Oscar M. Mims, William T. Mims, Frank E. Dumas, Ben M. Dumas, Edward W. Blakey, Edna Blakey, John Blakey, Nannie Black, Catherine Black, Charles H. Black, Ammon Wood, Willie A. Wood, Leslie B. Wood, Willie Wood, Ellington Wood, Edna Fry, Robert B. Shipp, Ruby B. Shipp, Maria J. Crawford, Lucille Crawford, Ghent Crawford, Ed S. Crawford, Jr., Jodie F. Crawford, Majie J. Crawford Cole, Jewel I. Cole, James A. Cole, Susie M. Cole, Christine Cole, Majie Douglass Cole, Elizabeth Baxter Caldwell, Mabel E. Caldwell, Jodie Lee Caldwell, Jennie B. H. Calhoun, Owen H. Calhoun, Edwin C. Calhoun, J. M. Crawford, Edwin Diekey Crawford, Hattie May Crawford, James M. Crawford, Jr., Ellen Lee Crawford, Robert H. Crawford, Edna M. Folliard, Crawford J. Folliard, Aileen Folliard, Cecil H. Folliard, William Richard Folliard, Everett B. Crawford, Everett B. Crawford, Jr., Edwin R. Crawford, Pinkie Creager, Margaret E. Creager, Fannie Sharp, Dan M. Sharp, Charlotte Jane Sharp, George H. Gresham, Oliver P. Gresham, Lizzie D. Gresham, Frances Margret Gresham, Robert O. Gresham, Hill Campbell Gresham, Erma Biglow, David E. Dumas, DeBerry G. Dumas, Walter A. Dumas, Birdie D. Carlet, Glenna W. Carlet, Helen C. Carlet, Mack O. Dumas, Susan M. Hendricks, Onia Ann Stephens, Leno A. Stephens, Harold Richard Stephens, Louise Stephens, Vernon Stephens, Charles Edwin Stephens, Jr., Jackson E. Hendricks, Jr., Hallie H. Hendricks, Ruth Hendricks, Rubie Hendricks, Mary H. Decker, William H. Decker, Jr., Susan H. Decker, Helen Martin, Vera Martin, Alma Martin, Samuel Martin, John W. Dumas, Ada B. Ewing, Freda Ewing, Mabel Ewing, Minnie P. Dumas, Malinda Blanks, Arthur Blanks, William C. Blanks, Ruth J. Blanks, Mary G. Blanks, Robert E. Blanks, Robert E. Blanks, Jr., Nora E. Binford, Birdie A. Wilson, John H. Wilson, Albert G. Dumas, Arline Dumas, Lisle Dumas, Dixie D. Dumas, Roxanna Freeman, William Clyde Freeman, Arizona Elizabeth Daniels, Stafford Livonia Daniels, Dixie Dumas Connolly, Sybil Connolly, Frank C. Connolly, Maud Florence Clark, Irene L. Clark, May L. Brown, Murat Dumas, Eugene Dumas, Lula A. Dumas, Lena Fulton, J. Harold Fulton, Clifford C. Fulton, Lauren Scott Cannon, Josiah R. Cannon, Kathleen Cannon, Eula Umphress, Carl C. Umphress, Helen M. Umphress, Pearl Barron, Guyon Elizabeth Barron, James W. Wheat, Dumas Wheat, Ivy A. Fowler, Dan H. Dumas, Harriet Pinkey Dumas, Eula D. Shivel, Walter W. Dumas, James P. Dumas, Travis M. Dumas, Lige F. Dumas,

Verna J. Dumas, Hazel A. Dumas, Laura D. Cole, Dorothy Cole, Victoria J. Pierce, Louis Pierce, Arthur Pierce, Lee W. T. Herman, Annie B. Wallace, Gladys Wallace, Marvin Wallace, Hortense Wallace, Ferrol Wallace, Louis Dumas, Ward Lamson Dumas, Fred Dumas, Mary A. E. Dumas, Belle Leslie, Gerline Leshe, Mae D. Leslie, Lloyd Leslie, Karl Leslie, John F. Sanders, Robert D. Sanders, Cynthia Beatrice Sanders, Turner Lee Sanders, Nancy J. Whorton, Mabel Whorton, James L. Sanders, Julia A. Wells, Emsley M. Sanders, Dottie Sanders, Cora C. Bond, Callie Bond, Ray M. Bond, Clede Bond, Margaret K. Aston, Belva Lockwood Aston, Mary Jane Damron, Emma J. Damron, Claud M. Damron, Maud Damron, Lila C. Damron, Walter W. Damron, Minnie Damron, Mannie Damron, Joseph Scott Damron, William E. Aston, Eula M. Aston, Verma D. Aston, Texanna Aston, Willie Eunice Aston, Louie H. Aston, William Edward Aston, Jr., Vic Damron, Clara Bell Damron, Hugh Ella Damron, Jimmie Otha Damron, Nora May Damron, Willie Monroe Damron, Cynthia Jane Dicken, John R. Ferguson, William T. Sanders, Louis Burke Sanders, Wilda D. Sanders, James P. Sanders, Nellie Sanders, Cora Sanders, Olive Sanders, Missieniah Ellison, Lena Nichols, Alma Ellison, Lilhe Page, Marie Page, Catharine Page, Walter H. Thompson, Jeff D. Thompson, Clarence E. Thompson, James A. Thompson, Willie L. Thompson, Madeline F. Thompson, Gracie L. Thompson, Elsie Thompson, Mary L. Thompson, Minnie L. Thompson, Essie B. Thompson, Myrtle Thompson, John L. Thompson, Mary A. Ferguson, Julia A. Ferguson, Jeff Ferguson, Scotty S. Ferguson, Georgie B. Ferguson, Lovard E. Ferguson, Vergie J. Powers, Murray Powers, Maybell Powers, Willie E. Ferguson, Vergie B. Ferguson, Frank G. Ferguson, Alonzo A. Ferguson, Sue A. Thompson, May Thompson, Ada Thompson, Emma C. Canon, Emsley J. Canon, Alexander Canon, Tullie Clyde Canon, Winnie D. Canon, Delmer Canon, George Thompson, Charlie W. Thompson, Luther Bell Thompson, Mary Gertrude Thompson, George Homer Thompson, Ida Sanford, Lula Thompson Noe, Chester William Noe, Verner L. Dumas, James Don Dumas, Ella May Dumas, Claude E. Dumas, Jim Dumas, Missie E. Biggerstaff, Dora Biggerstaff, John M. Biggerstaff, Winnie Biggerstaff, Gladys Biggerstaff, Nettie A. Woolverton, Elizabeth Wood, Eula P. Niswander, Mildred Niswander, Lawrence L. Thompson, Mildred Bell Thompson, Lawrence L. Thompson, Jr., Cornelia Elizabeth Thompson and Willie Thompson as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the applications for their identification as such should be refused, and it is so ordered."

You are further advised that you will be allowed fifteen days from the date hereof within which to file arguments in this office, and that at the expiration of said time the papers in the case, together with such arguments will be forwarded to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

(S. 641 D)

James Dickey

Chairman

Registered.

Muskogee, Indian Territory, September 2, 1903.

Harris & Harris,
Attorneys at Law,
Houston, Texas.

Gentlemen:

Receipt is hereby acknowledged of your letter of the 27th ultimo, in which you ask to be advised the status of the Mississippi Choctaw case of Ransom E. Nims, et al.

In reply you are informed that on May 15, 1903, the Commission rendered its decision refusing the several applications included in the consolidated Mississippi Choctaw case of Scott S. Dumas, et al., of which the application of Ransom E. Nims, et al. is a part. On the same date the applicants were notified of the action of the Commission and that they would be allowed fifteen days from the date of said decision within which to file arguments in support of their claims to be forwarded to the Secretary of the Interior.

The fifteen days from May 15, 1903, heretofore allowed in this case, expired on May 30, 1903. On June 1, 1903, the record in said consolidated case, together with the decision of the Commission refusing the several applications included therein, was forwarded to the Secretary of the Interior. The several applicants

H & H 2

will be duly notified of such action as may be taken by him.

The letter notifying Ransom M. Nims of the refusal of his application was addressed to him at Nacogdoches, Texas, his last known post office address and was returned to this office marked "unclaimed." Said letter is this day remailed to him at Houston, Texas, in your care.

Respectfully,

Commissioner in Charge.

MOR-5858

Muskogee, Indian Territory, January 22, 1906.

Ransom E. Mims,

Care of Harris & Harris, Attorneys,

Houston, Texas.

Dear Sir:

You are hereby notified that the Secretary of the Interior, on January 5, 1906, affirmed the decision of the Commission to the Five Civilized Tribes of May 15, 1903, refusing the applications of the several persons included in the consolidated Mississippi Choctaw case of Scott C. Dumas, et al., of which, the application for the identification of yourself and minor children, Oscar E. and William E. Mims, as Mississippi Choctaws, is a part.

Respectfully,

James H. Smith

Commissioner.

For Identification as a Mississippi Choctaw.

Date

Name *Ransom E. Mims*

Age *26* Blood *3/4*

Post-Office *Sacogdoches, Tex.*

Father *W. P. Mims* d

Mother *Hettie* d

Claims through mother

wife *Hattie Mims* L
no claim for wife

Children

Oscar M. Mims 2

William P 1 mo

Stenographer

W. H. Martin

Received of the Commission to the Five Civilized Tribes one copy of the testimony of Ransom E. Mims in the matter of his application for identification of himself and minor children as Mississippi Choctaws, M.C. 5858.

Dated at Muskogee, Indian Territory, June 30, 1902.

J. G. Ralls

Choctaw MCR 5859

Henry Taylor

by
Jesse M. Taylor

See MCR 436

MCR 5859

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application of Melissa Ann Anderson for the enrollment of her incompetent son, William H. Taylor, as a citizen by blood of the Choctaw Nation.

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The applicant, Melissa Ann Anderson, appeared before the Commission at Colbert, Indian Territory, June 21, 1900, and there made application for the enrollment of her incompetent son, William H. Taylor, as a citizen by blood of the Choctaw Nation.

It appears from the evidence in this case, that the name of the applicant's incompetent son, William H. Taylor, has never been on any of the rolls of the Choctaw Nation; and that he was never admitted to citizenship in the Choctaw Nation by either the legally constituted authorities of the Choctaw Nation, or by the Commission to the Five Civilized Tribes acting under the act of Congress of June 10, 1896, or by the United States Courts in the Indian Territory on appeal from the decision of the tribal authorities or the decision of the Commission.

The application of Melissa Ann Anderson for the enrollment of her incompetent son, William H. Taylor, as a citizen by blood of the Choctaw Nation, is therefore hereby refused.

BY THE COMMISSION.



Acting Chairman.

Muskogee, Indian Territory, Oct. 11, 1900

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES,
Colbert, I. T., June 20, 1900.

In the Matter of the Application of :
: :
: Cheetaw- R-677
Melissa Ann Anderson for the Enroll- :
: :
ment of her incompetent son, William :
: :
H. Taylor, as a citizen of the Cheetaw :
: :
Nation. :
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Melissa Ann Anderson, being first duly sworn by Acting Chairman
Bixby, testified as follows:

- Q What is your name? A Melissa Ann Anderson.
Q How old are you? A 53 years.
Q What is your postoffice address? A Keller, I. T.
Q How long have you lived in the Ind. Ter.? A Nine years.
Q Have you lived here all the time for the last 2 years? A Yes, I
havn't been out of the territory.
Q Have you been married, or are you married, to a Cheetaw Indian?
A No, he is a white man I am living with.
Q How do you claim by intermarriage then? A My first husband was
1/8, and this is my child by him.
Q Are you applying for yourself or just your child? A He is no more
than an infant, but he is 23 years old.
Q What is the name of the Cheetaw Indian to whom you were married at
that time? A I can't tell you--
Q Who is this child you are applying for? A Wm. Henry Taylor.
Q You say he is 23 years old? A Yes sir.
Q Is his postoffice address the same as yours? A Yes, he is living
with me.
Q What is the name of his father? A John G. Taylor.
Q Was he a Cheetaw Indian? A Yes sir.
Q What proportion of Cheetaw blood did he have? A 1/8.
Q Was his name ever on the tribal rolls? A No sir.
Q Was he ever recognized by the Cheetaw authorities as a Cheetaw In-
dian? A Not as I know of.
Q Has the name of your son ever been on the tribal rolls? A No sir.
Q Has he ever been recognized by the tribal authorities? A No, only
by his father's great grandmother.
Q Did he ever apply to the authorities for enrollment as a Cheetaw In-
dian? A No sir.
Q Did he apply to the Dawes Commission in '96? A No sir.
Q Did anyone apply for him? A No sir.
Q You say he is an incompetent, is he? A Yes, he has had no health
since he was 5 years old.
Q Are there any additional statements that you desire to make in re-
gard to your son's case? A I wish to offer these papers in evidence
Affidavits of J. P. Lawrence, and copies of affidavits
of Patsy Poff, M. Blackburn, J. I. Gallings, and
M. Davis, offered in evidence, marked Exhibit A., and
made a part of this record.
A Can I send up some more evidence? Q
Q When will you have it ready? A This month.
Q Can you have it ready by the 15th of July? A Yes sir.

2- Wm. H. Taylor.

Q We will receive it if mailed to the address of the Dawes Commission in Muskogee, and received on or before the 15th day of July, 1900.

Frances R. Brown, being first duly sworn, says that as stenographer to the Commission to the Five Civilized Tribes, she reported the testimony of the above named witness, and that the foregoing is a true and complete translation of her shorthand notes in said case.

Frances R. Brown

Subscribed in my presence and sworn to before me this 9th day of July, A. D., 1900.



Acting Chairman.

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., June 23, 1903.

#5859.

In the matter of the application of Henry Taylor for identification as a Mississippi Choctaw.

Thomas & Harrison, attorneys for applicant.

Malissie Ann Anderson being called as a witness for applicant after being first duly sworn testifies as follows:

Examination by the Commission.

- Q What is your name? A Malissie Ann Anderson.
Q How old are you? A I was 55 the 2nd day of June.
Q What is your post office address? A Stonewall, Indian Territory.
Q You have no Choctaw blood have you? A No sir.
Q How long have you lived in the Indian Territory? A A I have been living here I guess about 15 or 16 years, just first one place and another. I guess I have been in the Territory that long.
Q Have you a son by the name of Henry Taylor? A Yes sir.
Q Is he possessed of any Choctaw blood? A Yes sir I guess he is.
Q How much? A One-sixteenth.
Q What is the name of his father? A John G. Taylor.
Q Were you lawfully married to John G. Taylor? A Yes sir.
Q Where? A In Missouri.
Q What county? A Married in Texas county.
Q When? A Before there ever any license come around, the year the war ended.
Q You were not married under a license? A No sir.
Q How were you married? A With a Squire.
Q Justice of the peace? A Yes sir.
Q Did you get a marriage certificate? A No sir, he just made out the papers and took them to Hartswell and I never did get any copy back.
Q Is Hartswell the county seat? A That is where he took the papers, we were married in Texas county and he took the papers to Hartswell.
Q You have no written evidence of that marriage to John G. Taylor? A No sir.
Q How long did you live with him as your wife? A Nine years.
Q Why is it that your son Henry does not appear before the Commission in his own behalf? A He was hurt when he was about 6 years old with a horse; he got kicked in the head; I will just tell the truth about it, some times his mind is right and some times it ain't; but he can do common work just as good as anybody.

- Q He is not considered to be of sound mind? A No sir.
- Q What relation is Jesse M. Taylor, who appeared before the Commission in behalf of your incompetent son, to your boy's father? A Brothers.
- Q Full brothers? A Yes sir. His father was the oldest brother and Jesse is the youngest brother.
- Q The power of attorney presented by Jesse M. Taylor was duly executed by Henry Taylor and yourself? A Yes sir.
- Q Has Henry Taylor ever been recognized in an manner or enrolled by the Choctaw tribe of Indians in the Indian Territory? A No sir, not that I know of.
- Q Never been admitted to citizenship to citizenship in the Choctaw Nation by the Choctaw tribal authorities or the United States Authorities in the Indian Territory? A No sir.
- Q Never has exercised any of the rights of citizenship down there? A No sir, just been living in the Territory.

BY MR. HARRISON, Attorney for Henry Taylor:

- Q Madam, who were the parents of John Taylor? A Louisa Taylor and Jim Taylor.
- Q His mother and father? A Yes sir.
- Q How long had you been acquainted with Louisa and James Taylor? A I was about 10 years old when I first got acquainted with them; all of us went to school together.
- Q Where was that? A In Texas County, Missouri; pap moved there in the winter and Mr. Taylor moved there in the fall, or in the spring.
- Q You have known them since you were about ten years of age? A Yes sir.
- Q Who was Mrs. Louisa Taylor before she married James Taylor? A Connell.
- Q Where did her father and mother live? A They lived in Tennessee she said when they were married.
- Q You do not know of your own knowledge do you? A No sir, I have just got their word for it.
- Q What was her mother's name, - Louisa Taylor's mother's name? A Maybe I can tell you, Cooper.
- Q Do you remember her given name? A No sir.
- Q If I were to mention it would you remember it? A Yes sir.
- Q Was it Annie? A Yes sir, Annie Cooper.
- Q What was her father's name, Louisa's father? A Robert Connell.
- Q Were you acquainted with the family further back than that? A No sir that is as far back as I can go.
- Q Do you know either of your own knowledge or from what you have heard the name of Annie Connell's mother? A I do not know only what I have heard her say.
- Q What have you heard her say as to who her mother was? A Annie Cooper.
- Q I mean who was Annie Cooper's mother? A I can not tell you.
- Q You do not know that? A No sir.
- Q That is as far back as you can go? A Yes sir.
- Q Now, are you acquainted with William Taylor? A Yes sir.
- Q Who was William Taylor with reference to John, James and Jesse? A Brother.
- Q Whom did he marry? A A Cox.
- Q Do you remember her name? A Nancy Cox.

- Q Do you know the names of the children, if any, of Nancy and William Taylor? A Yes sir.
- Q Give them to me if you please? A Ed Taylor, Joe Taylor, Gus Taylor, Alley Taylor, and a sister.
- Q What is the sister's name? A I can't think of everything at once, Jessie and Pearl.
- Q Did William and Nancy Taylor have a son named Robert? A Yes sir.
- Q James W. Joseph, Robert, Gus, Alley, Pearl and Jessie and one you don't remember? A Yes sir.
- Q You do not know Robert? A I know Tom.
- Q Are Tom and Robert the same one; do you know the one here? A Yes sir.
- Q Which one is that? A The one I always called Tom.

BY THE COMMISSION:

- Q Through which one of his parents did John G. Taylor, the father of Henry Taylor, derive his Choctaw blood? A From his mother.
- Q Louisa? A Yes sir.
- Q Is Louisa living? A No sir.
- Q How old would she be if living now? A About 60 or 63.
- Q And through which one of her parents did she get her Choctaw blood? A I can not tell you.
- Q Do you know where her parents were born, father and mother? A I don't know if it was in Tennessee or Virginia, which it was.
- Q One of those states? A Yes sir.
- Q Do you know where their parents were born? A No sir I don't.

Mr. Harrison, does this witness know whether any of the ancestors of any of the applicants in this consolidated case, M C R 436, James A. Taylor, et al., ever complied or attempted to comply with the provisions of the 14th article of the treaty of Dancing Rabbit Creek, or ever received any benefits thereunder?

MR. HARRISON: No sir.

BY MR. HARRISON:

- Q Was Annie Cooper thought to be a person of Indian blood, Annie Cooper, the mother of Louisa? A I don't know nothing about it only what I have heard her say.
- Q What have you heard her say? A I have heard her say she was part Indian.
- Q Did she say what tribe? A The Choctaw.
- Q Did she say where they came from? A Mississippi.
- Q Did she say how much Indian blood she had in her? A One fourth.

Witness excused.

W. H. Martin, being first duly sworn on oath states that as stenographer to the Commission to the Five Civilized Tribes he recorded the above proceedings on the 23rd day of June, 1902, and

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that the within and foregoing is a full, true and correct transcript
of his stenographic notes in the same.

W. H. Martin

Subscribed and sworn to before me this 28th day of June, 1908.

Wm. J. McLeod

Notary Public.

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Department of the Interior,
Commission to the Five Civilized Tribes.
Muskogee, I. T., June 23, 1902.

#3859.

In the matter of the application of Henry Taylor for
identification as a Mississippi Choctaw.

Thomas A. Harrison, attorney for applicant.

James D. Harrison being called as a witness by applicant,
after having been first duly sworn testifies as follows:

Tobias Edwards, duly sworn Interpreter.

Examination by the Commission.

- Q What is your name? A J. D. Harrison.
Q What does that J stand for? A James D. Harrison.
Q How old are you? A Sixty-seven years old.
Q What is your post office address? A Atoka, Indian Territory.
Q You live in the Choctaw Nation? A Yes sir.
Q Are you a full blood Choctaw? A Yes sir.
Q What is your occupation? A I generally carry on the Gospel.
Q Have you any other occupation? A No sir.
Q Have you lived in the Choctaw Nation all your life? A Yes sir.
Q Are you acquainted with Henry Taylor for whom application has
been made today by his uncle, Jesse M. Taylor? A Yes sir.
Q How long have you known Henry? A I don't know exactly.
Q About how long? A About two years.
Q How long has Henry lived down there in the Choctaw Nation?
A I don't know.
Q Is he any relation to you? A His great uncle was named Tom
Hayes.
Q Are you any kin to him? A Yes sir.
Q What kin are you to Henry Taylor? A Eliza was Annie's mother,
and Louisa was daughter of Annie.
Q What relation are you to Henry Taylor? A He was his cousin.
Q Who was his cousin? A Louisa Taylor.
Q What was Louisa's name before she married Taylor? A I don't
know, have been separated so long.
Q Did you ever see Louisa Taylor? A When she was small.
Q Where did she live then? A In the district about Eagle Town.,
in Choctaw Nation.
Q Was Louisa older or younger than you? A I am the oldest.
Q How much the oldest? A I don't know the age but I was about
that tall (indicating).
Q About how much older were you than Louisa? A We never set down
a record of the children's ages and I don't know it.

- Q How much Choctaw blood did Louisa have? A I don't know exactly, but she was over half.
- Q Then this Louisa Taylor whom you knew when she was a little girl was more than one half Choctaw blood; you are sure of that? A My uncle was full blooded, but she not,
- Q I want to find out whether she was more than one half Choctaw? A I don't know exactly, but when a man have a woman and they have a child they call it half breed, that is all I know.
- Q Louisa then was the daughter of a white man and a full blood Choctaw woman, is that correct? A Yes sir, that is what I know.
- Q What was the name of Louisa's father? A I don't know.
- Q Did you ever hear what his name was? A I don't know.
- Q What was Louisa's mother's name? A Annie.
- Q What other name did she go by? A Annie Cooper.
- Q Now you stated that you did not see Louisa after she was a girl of about ten years of age; do you know where she went from the Choctaw Nation? A She went off when about nine years old and went back that way, and I came that way.
- Q Which way did she go, south? A Yes sir, and I came out north.
- Q You do not know where she went then? A I don't know.
- Q What was Henry Taylor's father's name? A I don't know.
- Q You never saw him? A No sir.
- Q How do you know that Henry Taylor is the grandson of Louisa Taylor whom you say left the Choctaw Nation when she was about ten years of age and went south? A Just only he is a grandson, I don't know any more.
- Q Never heard anybody say he was her grandson? A No sir, never.
- Q You do not know then, as a matter of fact, that Henry Taylor, for whom application has been made today, is the grandson of the Louisa Taylor whom you used to know in the Choctaw Nation and whom you state was a half blood Choctaw, and who left the Choctaw Nation and went south when she was about eight or nine years of age? A I don't know anything about it at all.
- Q You do not know as a matter of fact that this boy is her grandson? A No sir.

BY MR. HARRISON:

- Q Did you ever hear that Henry Taylor was a grandson of Louisa and James Taylor? A I did not hear it.
- Q Did you know Eliza Cooper? A Yes sir, I have not seen her for a long time.
- Q When and where did you know her? A Towards Little River in the Choctaw Nation in Eagle County.
- Q When? A I don't know exactly.
- Q About when did she die? A I don't know when she died, I was not there.
- Q Was Eliza Cooper an Indian? A Yes sir, Choctaw.
- Q How much Choctaw? A She was nearly white, a half breed.
- Q Did she have a daughter by the name of Annie? A Annie was her daughter, and Annie was the mother of Louisa.

BY THE COMMISSION: He said Iney, he does not say Annie.

BY MR. HARRISON:

- Q Is Iney and Annie the same in Choctaw language? A Yes sir.
- Q Was Annie the mother of Louisa? A Yes sir.

- Q When you were speaking a moment ago of a half blood, did you mean Louisa, Annie or Eliza? A Eliza was a full blood Choctaw, but was brighter and took up with a white man.
- Q What was the name of that white man? A I don't know.
- Q Was he a Cooper? A I don't know.

BY THE COMMISSION:

- Q How old would Eliza be if living now? A Maybe forty years old.
- Q How long has Eliza been dead? A I think she died in 1841 after that a long time.
- Q Did she die before or after the Civil War? A Before the war.
- Q About how old was she when she died? A I don't know.
- Q Was she an old woman or young woman? A Old.
- Q Did you ever hear of her having lived in the state of Mississippi? A That is where she come from.
- Q When did she come from Mississippi? A I don't know, we all come together but I don't know the year.
- Q Did she have a Choctaw name, Eliza? A I don't know.
- Q Are you any relation to Eliza? A She is my aunt.
- Q Your father's sister or mother's sister? A Eliza was a cousin to me.
- Q You said a while ago she was your aunt, which is right? A She was a sister to my uncle.

It is impossible for the interpreter to determine whether Eliza Cooper was a cousin of one of the witnesses' parents or a sister of one of the parents, for the reason as the interpreter states the word "sister" is used in the Choctaw language to designate aunt and other persons of kin.

I understood you to say that you expected to prove by this witness something about a compliance on the part of the ancestors of these people with the provisions of the 14th article of Dancing Rabbit Creek; do you find that he does not know anything about that?

MR. HARRISON: I have just talked with one of the applicants, and he says he does not believe he can prove it with this witness.

BY THE COMMISSION:

- Q You testified in answer to a question asked you by the Commission that Louisa Taylor was a daughter of a full blood Choctaw woman named Annie and a white man, did you not? A Yes sir.
- Q Now you testify in response to a question asked by Mr. Harrison, counsel for these applicants, that Annie, the mother of Louisa, was a daughter of a white man and Eliza Cooper, whom you state was a full blood Choctaw, is that correct? A Eliza was a full blood Choctaw, and Annie was a half breed and his daughter would be a half breed and have as much right as any Choctaw.
- Q Then your statement that Louisa was a half blood Choctaw was not correct, how did you make that mistake?

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A Annie was a half breed, Eliza was a half breed, her mother was a full blood, and how would you fix his right, its mixed up so.

Witness excused.

The witness is to all appearances a full blood Indian; speaks and understands the Choctaw language, and very little English. Owing to the fact that the interpreter does not speak or understand English very well it has been next to impossible to obtain intelligent answers to the questions propounded the witness.

V H Martin being first duly sworn on oath states that as stenographer to the Commission to the Five Civilized Tribes he recorded the above proceedings on the 23rd day of June, 1902, and that the within and foregoing is a full, true and correct transcript of his stenographic notes in the same.

V H Martin

Subscribed and sworn to before me this 26th day of June, 1902.

Wm. Mitchell

Notary Public.

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., June 23, 1902.

7559.

In the matter of the application of Henry Taylor for identification as a Mississippi Choctaw, made by his uncle, Jesse M. Taylor.

Thomas & Harrison, attorneys for applicant.

Jesse M. Taylor being first duly sworn testifies as follows:

Examination by the Commission.

- Q What is your name? A Jesse M. Taylor.
Q How old are you? A Forty-three I think.
Q What is your post office address? A Bradley, I. T.
Q You have heretofore appeared before this Commission and made application for the identification of yourself as a Mississippi Choctaw, have you not? A Yes sir.
Q For what purpose do you appear before the Commission at this time? A In behalf of Henry Taylor.
Q What relation is he to you? A nephew.
Q Your brother's son? A Yes sir.
Q You present here what purports to be a power of attorney duly executed by Henry Taylor and Malissie Anderson, authorizing you to appear before the Commission and make application in their behalf as citizens of the Choctaw Nation; is Henry Taylor who executed this power of attorney referred to the son of your brother? A Yes sir.
Q Why does he not appear here in his own behalf? A He is not competent.
Q He is an incompetent? A Yes sir.
Q Is his father living? A No sir.
Q Is his mother living? A Yes sir.
Q What is her name? A Malissie Anderson.
Q She has no Choctaw blood? A No sir.
Q Does this boy live with his mother? A Yes sir, at the present time; at other times he lives with some other relatives, that is his home generally with his mother.
Q How old is Henry Taylor? A He is about thirty-three; I know that he was born in the fall of '70; he might have been a year old, or maybe a little older.
Q That would make him thirty-two? A I suspect he was a year old in the fall of '70.
Q That would make him thirty-three? A Yes sir.
Q How much Choctaw blood has Henry Taylor? A One-sixteenth.
Q What is his post office address? A Stonewall, Indian Territory.

- Q How long has he lived in the Indian Territory? A I can't say exactly; he must have been 10 or 12 years old.
- Q Where did he live before that? A Texas.
- Q How long did he live in Texas? A Four or five years.
- Q Before that? A Missouri.
- Q How long did he live in Missouri? A He was born in Missouri.
- Q What was the name of the father of Henry Taylor? A John Taylor.
- Q He gets his Choctaw blood solely through his father? A Yes sir.
- Q Were the father and mother of this boy lawfully married? A Yes sir.
- Q How long did they live together as husband and wife? A From '66 until '73 or '74.
- Q Were you present at their marriage? A No sir, I was about 40 miles.
- Q But you know of your own knowledge they were lawfully married? A Yes sir; that is my understanding; I heard of the marriage and they lived together as man and wife, and I seen an affidavit that was made by an eye witness to the marriage, and it was supposed to be down with the Daves Commission, but was misplaced, and the court house in Missouri has been burned since the marriage and they can not get a certified copy of the marriage license.
- Q How many children were born to them? A Three; one or two others that died when they were small.
- Q Were these other children brothers and sisters of Henry Taylor? A Two are brothers, and a sister.
- Q Have they been before the Commission? A The man who married the girl has made application for the children and the mother of the children.
- Q What are the names of these children? A The boy is Garrie Taylor, Lulu Taylor and Delbert Taylor.
- Q What are the names of the children of Henry's sister? A The oldest is named Lee Ardrey.
- Q The next one? A Odos Ardrey, and the next is Mary Ardrey.
- Q And the next one? A Arless, I believe it is; that is all.
- Q John Taylor, the father of Henry Taylor, was your full brother? A Yes sir.
- Q Has Henry Taylor ever been enrolled or recognized in any manner by the Choctaw tribal authorities in the Indian Territory as a member of that tribe? A No sir.
- Q Has he ever been admitted to citizenship in the Choctaw Nation by the Commission to the Five Civilized Tribes or the United States Court in the Indian Territory? A No sir.
- Q Never has received any benefits whatever or been enrolled or recognized in any manner as a citizen of the Choctaw Nation? A No sir.
- Q How long has he been an incompetent? A Ever since he was three or four years old.
- Q Never was married? A No sir.
- Q This application then is solely in behalf of Henry Taylor? A That is all.
- Q Do you know anything further with reference to a compliance on the part of your ancestors or the ancestors of Henry Taylor with the provisions of the 14th article of the treaty of Dancing Rabbit Creek than what is disclosed by the testimony given by you before the Commission at the time you made application in behalf of yourself and your minor children for identification as Mississippi Choctaws? A No sir.
- Q Have you any written evidence of any description to offer at this time in support of this application? A No sir.

- Q How long has he lived in the Indian Territory? A I can't say exactly; he must have been 10 or 12 years old.
- Q Where did he live before that? A Texas.
- Q How long did he live in Texas? A Four or five years.
- Q Where that? A Missouri.
- Q How long did he live in Missouri? A He was born in Missouri.
- Q What was the name of the father of Henry Taylor? A John Taylor.
- Q He gets his Choctaw blood solely through his father? A Yes sir.
- Q Were the father and mother of this boy lawfully married? A Yes sir.
- Q How long did they live together as husband and wife? A From '68 until '73 or '74.
- Q Were you present at their marriage? A No sir, I was about 40 miles.
- Q But you know of your own knowledge they were lawfully married? A Yes sir; that is my understanding; I heard of the marriage and they lived together as man and wife, and I seen an affidavit that was made by an eye witness to the marriage, and it was supposed to be down with the Dawes Commission, but was misplaced, and the court house in Missouri has been burned since the marriage and they can not get a certified copy or the marriage license.
- Q How many children were born to them? A Three; one or two of others that died when they were small.
- Q Were these other children brothers and sisters of Henry Taylor? A Two are brothers, and a sister.
- Q Have they been before the Commission? A The man who married the girl has made application for the children and the mother of the children.
- Q What are the names of these children? A The boy is Carrie Taylor, Gulu Taylor and Delbert Taylor.
- Q What are the names of the children of Henry's sister? A The oldest is named Lee Ardrey.
- Q The next one? A Gros Ardrey, and the next is Mary Ardrey.
- Q And the next one? A Arless, I believe it is; that is all.
- Q John Taylor, the father of Henry Taylor, was your full brother? A Yes sir.
- Q Has Henry Taylor ever been enrolled or recognized in any manner by the Choctaw tribal authorities in the Indian Territory as a member of that tribe? A No sir.
- Q Has he ever been admitted to citizenship in the Choctaw Nation by the Commission to the Five Civilized Tribes or the United States Court in the Indian Territory? A No sir.
- Q Never has received any benefits whatever or been enrolled or recognized in any manner as a citizen of the Choctaw Nation? A No sir.
- Q How long has he been an incompetent? A Ever since he was three or four years old.
- Q Never was married? A No sir.
- Q This application then is solely in behalf of Henry Taylor? A That is all.
- Q Do you know anything further with reference to a compliance on the part of your ancestors or the ancestors of Henry Taylor with the provisions of the 14th article of the treaty of Dancing Rabbit Creek than what is disclosed by the testimony given by you before the Commission at the time you made application in behalf of yourself and your minor children for identification as Mississippi Choctaws? A No sir.
- Q Have you any written evidence of any description to offer at this time in support of this application? A No sir.

- Q Have you any witnesses here today whose testimony you desire to have taken in support of the application which you make for Henry Taylor? A Yes sir.
- Q Who? A Malissie Anderson, his mother, and James D. Harrison.
- Q What do you expect to prove by these witnesses? A I expect to prove by Malissie Anderson that she has known the family ever since the fifties somewhere, and knew my mother, Louisa Taylor, who was a Connell, and she was acquainted with all the family when they were remarried and claimed as Louisa Taylor and James Taylor's children.
- Q What do you expect to prove by the other witness? A James D. Harrison's grandfather was a half brother to my grandfather, and he knows as to their moving from Mississippi, and about their stay in the Choctaw Nation; he knows of my grandfather and grandmother that they moved in that country and then left and went back to the states.
- Q Do either of these witnesses know whether any of your ancestors ever complied with the provisions of the 14th article of Dancing Rabbit Creek; or ever received any benefits thereunder? A They-
- Q Do they know that they ever complied with that treaty provision? A No sir, they do not know that.
- Q Do either of these witnesses know about that? A They claim they did.
- Q Have you any written evidence of any kind to offer at this time in support of this application? A No sir.

BY MR. HARRISON:

He does not fully understand that; this application being consolidated with the application of Jesse M., James E., Gus L., Alley and Joseph D. Taylor, and Robert D. Ardrey, also the children of Joseph D. Taylor, deceased, in support of the application of Jesse Taylor we desire to file the marriage license; and also in support of the application of James E. Taylor I desire to present the marriage license of himself and his wife, Eugenia D. Melton.

BY THE COMMISSION:

A certified copy of the marriage license and certificate of Jesse Taylor and Mary A. Shelton; and the marriage license and certificate of J. A. Taylor and E. D. Melton are offered in evidence for consideration in connection with the consolidated case of James A. Taylor, et al., M & R 436.

Jesse M. Taylor, who appears in behalf of his incompetent nephew, Henry Taylor, has heretofore appeared before the Commission and made application for the identification of himself and family as Mississippi Choctaws. See M. & R. 5636; also consolidated case of James A. Taylor, et al., M & R 436.

Jesse M. Taylor has no knowledge as to whether any of the ancestors of Henry Taylor ever complied or attempted to comply with the provisions of the 14th article of the treaty of Dancing Rabbit Creek, or ever received any benefits thereunder.

W. H. Martin being first duly sworn on oath states that as stenographer to the Commission to the Five Civilized Tribes he recorded in full the above proceedings on the 23rd day of June, 1903, and that the within and foregoing is a full, true and correct transcript of his stenographic notes in the same.

W. H. Martin

Subscribed and sworn to before me this 29 day of June, 1903.

Wm. H. Woodward

Notary Public.

Muskogee, Indian Territory, February 14, 1903.

Henry Taylor,
Care of Jesse M. Taylor,
Stonewall, Indian Territory.

Dear Sir:

You are hereby advised that on the 14th day of February 1903, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of James A. Taylor, et al., embracing the following applications for identification as Mississippi Choctaws:

| | |
|------------------------------|--------------|
| James A. Taylor, et al., | M.C.R. 436 |
| Joseph Davis Taylor, et al., | M.C.R. 642 |
| Gus Taylor, | M.C.R. 643 |
| Allie Taylor, | M.C.R. 644 |
| James E. Taylor, et al., | M.C.R. 5625 |
| Jesse M. Taylor, | M.C.R. 5626 |
| Odis Ardrey, et al., | M.C.R. 5627 |
| Carrie Taylor, et al., | M.C.R. 5628 |
| Henry Taylor, | M.C.R. 5859 |
| Luella E. Fuller, et al., | M.C.R. 5860 |
| Robert T. Taylor, et al., | M.C.R. 5861. |

These applications were made under the provision of the act of Congress approved June 28, 1898 (30 Stats., 495) which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses, and perform all other acts necessary thereto and make report to the Secretary of the Interior."

H T -

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of James A. Taylor, Wm. E. Taylor, Jesse Taylor, Joseph Taylor, Harvey Taylor, Oscar Taylor, Arthur Bert Taylor, Charles Elbert Taylor, Joseph Davis Taylor, Johnnie Columbus Taylor, Benjamin Franklin Taylor, Joseph Ople Taylor, Gus Taylor, Allie Taylor, James E. Taylor, Lola Taylor, Ella Belle Taylor, Willie Taylor, Jesse Taylor (2), Pearl Taylor, Jesse M. Taylor, James Walter Taylor, Emma Taylor, Clara Taylor, Ludie Taylor, Alvin Taylor, Ledford Taylor, Odis Ardrey, Lee Ardrey, Lena Ardrey, May Ardrey, Arlus Ardrey, Carrie Taylor, Lula Taylor, Delbert Taylor, Henry Taylor, Luella R. Fuller, Ruby L. Fuller, Leland Fuller, Orbra C. Fuller, Robert T. Taylor, Herbert Taylor, Roy C. Taylor and William R. Taylor, as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the applications for their identification as such should be refused, and it is so ordered."

It is the further opinion of this Commission that under the provision of law above quoted, no person is entitled to identification as a Mississippi Choctaw by marriage, and that the applications made by James A. Taylor for the identification of his wife, Eugenia Taylor; by America Taylor for the identification of herself; and by Robert T. Taylor for the identification of his wife, Lillie Taylor, as intermarried Mississippi Choctaws, should, therefore, be refused, and it is so ordered."

You are further advised that you will be allowed fifteen days from the date hereof within which to file arguments in this office, and that at the expiration of said time the papers in the case together with such arguments will be forwarded to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

(S)

Tamc Dixie

Acting Chairman.

Registered.

REFER IN REPLY TO THE FOLLOWING

MCR-5859.

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

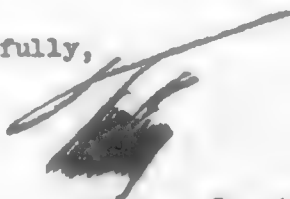
Muskogee, Indian Territory, March 18, 1907.

Jesse M. Taylor,
Stonewall, Indian Territory.

Dear Sir:

You are hereby notified that the Secretary of the Interior on February 12, 1907, affirmed the decision of the Commission to the Five Civilized Tribes on February 14, 1903, refusing to identify as Mississippi Choctaws the several applicants in the consolidated case of James A. Taylor et al.

Respectfully,



Commissioner.

CHOCTAW. (1444)

JUN 21 1900

Malissa Ann Anderson, (53)
Keller, J. J.

1/1/1900
1/1/1900

(1000)
William Henry Taylor, (100)
(Father) John G. Taylor, 1/1
(mother) 1/1

CHOCTAW.

Appearance of mother at
Colbert, D. T.

6/21/1900.

In case No. 677-Choc. R., the name
of child whose enrollment is sought
is given in testimony as "Wm. Henry"
Tayler. In the judgment this name
is spelled "William H." Tayler.

R. C. G. Oct. 12, 1900.

No. 5859

For Identification as a Mississippi Choctaw.

Date

JUN 23 1902

Name *Henry Taylor*
by Henry M. Taylor Incompetent
Age *33* Blood *1/16*

Post-Office, *Stonewall, I.T.*

Father: *John Taylor* d

Mother: *Melissie Anderson* L

Claims through *father*

For self only

Children:

Stenographer

W. A. Martin

DEPT.
COMMISSIONER

INDIAN TRIBES.

A. 14 1900



CHAIRMAN.

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19
REC

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190
REC



DEPARTMENT OF THE INTERIOR.
Commissioner to the Five Civilized Tribes.

FILED
MAY - 2 1907

[Handwritten signature]

Commissioner

Department of the Interior.

Commission to the Five Civilized Tribes.

MUSKOGEE, IND. TER.

OFFICIAL BUSINESS.

Penalty for private use, \$300.

1025

2 2 1 1

Melissa Ann Anderson,

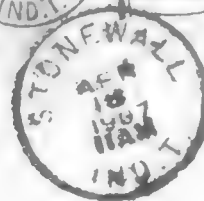
Keller, Indian Territory.

Department of the Interior.

Commissioner to the Five Civilized Tribes,

MUSKOGEE, IND. TER.

UNKNOWN.



5859



Jesse M. Taylor,
Wagoner, Ind. Terr.

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APR 14
1963



Department of the Interior.

Commission to the Five Civilized Tribes,

MUSKOGEE, IND. TER.

OFFICIAL BUSINESS.

Penalty for private use, \$300.



Henry Taylor,

Stonewall, Indian Territory.

2259

181

225

Choctaw MCR 5860

Luella E. Fuller

See MCR 436

MCR 5860

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application of Luella E. Fuller for the enrollment of herself and children as citizens by blood of the Choctaw Nation, and the enrollment of her husband as an intermarried citizen of the Choctaw Nation.

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The applicant, Luella E. Fuller, appeared before the Commission at Colbert, Indian Territory, June 20, 1900, and there made application for the enrollment of herself and children, Rubie L. and Leland Fuller, as citizens by blood of the Choctaw Nation, and the enrollment of her husband, Claude Fuller, as an intermarried citizen of the Choctaw Nation.

It appears from the evidence in this case that the names of the applicants have never been on any of the rolls of the Choctaw Nation, and that the applicants have never been admitted to citizenship in the Choctaw Nation by either the legally constituted authorities of the Choctaw Nation, or by the Commission to the Five Civilized Tribes acting under the act of Congress of June 10, 1896, or by the United States Courts in the Indian Territory on appeal from the decision of the tribal authorities or the decision of the Commission.

It also appears from the evidence that the applicant, Luella E. Fuller, and her husband, Claude Fuller were not married under the Choctaw Law as required by the laws of the Choctaw Nation.

The application of Luella E. Fuller for the enrollment of herself and children, Rubie L. and Leland Fuller, as citizens by blood of the Choctaw Nation, and for the enrollment of her husband, Claude Fuller as an intermarried citizen of the Choctaw Nation, is therefore hereby refused.

BY THE COMMISSION.



Acting Chairman.

Waskagee, Indian Territory, Oct. 1, 1900.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES,
Colbert, Ind. Ter., June 20, 1900.

In the Matter of the Application of :

Luella E. Fuller et al for Identifi- : Choc.- R.-664.

cation as Citizens of the Choctaw Nation.
-----:

Luella E. Fuller, being first duly sworn by Acting Chairman
Bixby, testified as follows:

- Q What is your name? A Luella E. Fuller.
Q What are you? Choctaw or Chickasaw? A I don't know; I have forgotten now. I am a Choctaw I guess.
Q Are you claiming as a Mississippi Choctaw or a Choctaw by blood?
A Choctaw by blood.
Q Are you claiming for anyone besides yourself? A Yes sir.
Q For whom? A For my children and my husband.
Q How old are you? A 22 years.
Q What is your postoffice address? A Duncan, I. T.
Q How long have you lived at Duncan? A I just lived there this year.
Q Where did you come from? A I come from Texas, to the Nation.
Q What month was it you first arrived at Duncan? A Last January.
Q Is that where you first came to in the territory? A A No, I came here ten years ago this fall.
Q Have you been living here all the time for ten years? A Yes sir.
Q Where did you live before you came to the Territory? A I lived in Cook Co., Tex.
Q Were you born in Texas? A Yes sir.
Q What is your father's name? A Wm. Taylor.
Q Is he living? A No sir.
Q Was he a Choctaw Indian or a white man? A Choctaw Indian.
Q What proportion of Choctaw blood did he claim to have? A 1/8.
Q Has his name ever been on the Choctaw rolls? A I don't know.
Q Was he ever recognized by the tribal authorities of the Choctaw Nation? A I can't tell you.
Q What is your mother's name? A Nancy H. Barks.
Q Is she living? A No sir.
Q Was she a Choctaw Indian or a white woman? A White woman.
Q What proportion of Choctaw blood do you claim to have? A 1/16.
Q Did your name ever appear on the Choctaw tribal rolls? A I don't know; I guess not.
Q Have you ever been recognized by the tribal authorities of the Choctaw Nation as a Choctaw Indian? A No, I don't know.
Q Did you ever apply to the tribal authorities for enrollment as a Choctaw Indian? A No. Yes.-I don't know.
Q You don't remember? A No sir.
Q Did you apply to the Dawes Commission in '96? A No sir.
Q Is this your first application to the Dawes Commission? A Yes sir.
Q What is your husband's name? A Claud Fuller.
Q How old is he? A I can't tell you.
Q What was his father's name? A James M. Fuller.
Q Is he living? (No answer)
Q What is his mother's name? A Emma Smith.
Q Is she living? A Yes sir.
Q Your husband is a white man? A Yes sir.
Q You are making application for his enrollment as an intermarried Choctaw? A Yes sir.

Q Under what law did you marry him? A U. S. law.
Q Where? A In the Chickasaw Nation; down here at Loco.
Q When? A I married him in '95.
Q Did you marry him under Chickasaw law? A No, I married him under United States law.
Q You were never married under either Choctaw or Chickasaw law?
A No sir.
Q Have you your marriage license and certificate that you would like to offer in evidence? A Yes sir.

Q What are the names and ages of your children? A Ruby L. 4 years,
and Ireland 2 years.

Q Are there any other statements in regard to your case that you would
like to make at this time? A No, I reckon not.

Q Any papers you would like to offer in evidence?

A Yes sir.

Your enrollment, and the enrollment of your children as Choctaw Indians by blood, and the enrollment of your husband as an intermarried citizen of the Choctaw Nation is refused for the reason that your names are not found upon the tribal rolls of the Choctaw Nation now in the possession of this Commission, and for the further reason that it appears from the testimony and records, that neither you nor your children, nor your husband, have ever been recognized by the lawfully constituted tribal authorities of the Choctaw Nation as citizens of said nation, and neither you, your children nor your husband were admitted by the Commission to the Five Civilized Tribes acting under the law of June 10, 1896, or by a judgment of the U. S. Court in the Ind. Ter.

Frances R. Brown, being first duly sworn, says that as stenographer to the Commission to the Five Civilized Tribes, she reported the testimony of the above named witness, and that the foregoing is a true and complete translation of her stenographic notes in said case.

Subscribed in my presence and sworn to before me this
6th day of July, A. D., 1900.

Acting Chairman.

Department of the Interior.
Commission to the Five Civilized Tribes.
Muskogee, I. T., June 24th, 1902.

#3660

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In the matter of the application of Luella M. Fuller for the identification of herself her three minor children, Ruby L., Leland and Orbra C. Fuller, as Mississippi Choctaws.

Thomas & Harrison, attorneys for applicant.

Luella M. Fuller being first duly sworn testified as follows:

Examination by the Commission:

- Q What is your name? A Luella M. Fuller.
Q How old are you? A Twenty-two.
Q How much Choctaw blood have you? A One-sixteenth part.
Q What is your post office address? A Bradley, I. T.
Q What Nation, Choctaw or Chickasaw? A Chickasaw.
Q How long have you lived in Chickasaw Nation? A Lived there about twelve years.
Q Where did you live before that? A Texas.
Q How long did you live in Texas? A I don't know how long; I was born there.
Q Lived there all the rest of your life? A Yes sir.
Q Is your father living? A No sir.
Q What was his name? A William Taylor.
Q Is your mother living? A No sir.
Q What was her name? A Nancy Taylor.
Q Through which one of your parents do you get your Choctaw blood? A My father.
Q Were you ever recognized in any manner or enrolled as a member of the Choctaw tribe of Indians by the tribal authorities?
A No sir.
Q Was your father? A No sir, I guess not.
Q Through which one of his parents did he get his Choctaw blood?
A His mother.
Q What was her name? A I don't know.
Q How old would your father be if he were living to-day?
A He would be about sixty I think; I don't know exactly.
Q Where was he born? A Where was my father born?
Q Yes? A Can't tell you.
Q Where did he ever live except in the state of Texas? A He lived in Missouri I believe was one place; I don't know where at.
Q Where? A I say I don't know where.

- Q Now you say he got his Choctaw blood through his mother; now through which parent did his mother get her Choctaw blood do you know? A No sir.
- Q You don't know the names of either of her parents do you? A No, I don't believe I do.
- Q Were your father and mother lawfully married? A Yes sir, I guess they was.
- Q How long did they live together as man and wife? A They lived together-----I don't know how long.
- Q About how long? A Well, they lived together about forty years I guess.
- Q Have you any evidence of their marriage? A No sir.
- Q How many children were born to them? A Ten I believe.
- Q Have any of those children appeared before the Commission as applicants before the Commission for identification as Mississippi Choctaws before to-day; any of your brothers or sisters? A Yes sir.
- Q Who? A Give the names?
- Q Yes sir, give the names? A Tom and Joe and Ed and Gus and Allie.
- Q Are you married? A Yes sir.
- Q Is your husband living? A Yes sir.
- Q What is his name? A Claud Fuller.
- Q Has your husband any Choctaw blood? A No sir.
- Q You make no claim for him? A No sir.
- Q Have you been married more than once? A No sir.
- Q Has your husband? A No sir.
- Q How many children have you living? A Three.
- Q What are their names and ages, eldest first? A Ruby L.
- Q That's a girl is it? A Yes sir.
- Q How old is Ruby? A Six years old.
- Q Next one? A Leland Fuller.
- Q How old is Leland? A He's three years old.
- Q That's a boy is it? A Yes sir.
- Q Next? A Orbra C.
- Q How old? A He's about two months old.
- Q That's a boy? A Yes sir.
- Q These children are all living at this time are they with you? A Yes sir.
- Q Are they all three children of yourself and Claud Fuller? A Yes sir.
- Q This application then is for yourself and three minor children is it? A Yes sir.
- Q Is your name to be found upon any of the tribal rolls of the Choctaw Nation in Indian Territory? A No sir.
- Q Is the name of your oldest child? A No sir.
- Q Has any application of any description ever been made in your behalf or in behalf of your oldest child, to the Choctaw tribal authorities in Indian Territory, for citizenship in the Choctaw Nation? A I don't know.
- Q None that you know of? A No sir.
- Q Did you or any one for you in the year 1896 make application to the Commission to the Five Civilized Tribes for citizenship in the Choctaw Nation under the act of Congress approved June 10, 1896? A 1896?

#3.

- Q Yes; didn't you apply in 1896---six years ago? A No sir.
- Q Have you ever been admitted to citizenship in the Choctaw Nation either by the tribal authorities or the United States authorities to your knowledge? A No sir.
- Q Have you ever made any application of any kind before to-day to the United States authorities to be admitted or enrolled as a member of that tribe? A I made an application year before last.
- Q Where? A Before the Dawes Commission at Colbert.

The records of the Commission show that on the 30th day of June, 1900, the applicant appeared before the Commission at Colbert, Indian Territory, and made application for the enrollment of herself and two minor children, Rubie L. and Leland as citizens by blood of the Choctaw Nation, and for the enrollment of her husband Claud Fuller as a citizen by intermarriage of the Choctaw Nation, their names appearing upon Choctaw card, field No. R 664.

- Q Is that the only application of any kind that you have ever made? A Yes sir.
- Q You appear before the Commission at this time for the purpose of claiming rights in the Choctaw lands in Indian Territory, for yourself and three minor children, under the provisions of the fourteenth article of the treaty of Dancing Rabbit Creek, do you not? A Yes sir.

This treaty of Dancing Rabbit Creek was entered into in the state of Mississippi on the 27th day of September, 1830, between the government of the United States and the Choctaw Indians. At the time the treaty was made the Choctaws lived in what is known as the old Choctaw Nation, being a part of Mississippi and a small part of the state of Alabama along the western edge of the line of the state. The object of the treaty was to get these Indians to move from the country occupied by them in Mississippi and Alabama to the new country west of the Mississippi river, part of which is now occupied by the greater portion of the Choctaw tribe of Indians and is commonly known as the Choctaw-Chickasaw country in Indian Territory. At the time the treaty was made some of these Indians were unwilling to leave the old Choctaw Nation and for the benefit of those who preferred to stay there what is known as the fourteenth article was put into the treaty. That fourteenth article provided that upon certain conditions a Choctaw who preferred to remain in the old Choctaw Nation and not move out to the new country, might receive land there from the government. It is as follows:

"Each Choctaw head of a family being desirous to remain and become a citizen of the states shall be permitted to do so, by signifying his intention to the Agent within six months from the ratification of this treaty, and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land, to be bounded by sectional lines of survey; in like manner

shall be entitled to one half that quantity for each unmarried child which is living with him over ten years of age; and a quarter section to such child as may be under ten years of age, to adjoin the location of the parent. If they reside upon said lands intending to become citizens of the states for five years after the ratification of this treaty, in that case, a grant in fee simple shall issue; said reservation shall include the present improvement of the head of the family, or a portion of it. Persons who claim under this article shall not lose the privilege of a Choctaw citizen but if they ever remove are not entitled to any portion of the Choctaw annuity."

Q You understand that fourteenth article & you not? A No sir, I don't think I do exactly.

By Mr. Harrison:

Q You understand what he has just explained to you? A Yes sir.
Q Well you understand it well enough to know that he has explained to you how it was that the Choctaw Indians back in Mississippi came to this country and that there was some Choctaws that did not want to come; and to take care of those Choctaws they said: "All right, if you people want to stay over there you can do it, and if you go to the United States Indian Agent within six months after the treaty is made with the Choctaw Indians, and tell that Agent you want to stay here and take land and become citizens here and reside upon it for five years, you can do so". Some of these people did that, and the Agent, for some cause, didn't put some of the names on the books; they're called Mississippi Choctaws, and you people are now applying here as descendants of Mississippi Choctaws. That's what you mean by getting land as a Choctaw in Mississippi; do you understand it better now? A Yes sir, I understand what you mean by it.

By the Commission:

Q You think you understand this fourteenth article? A Yes sir.
Q Did any of your ancestors ever comply or attempt to comply with its provisions, or ever receive any benefits under that article to your knowledge? A I don't know; I don't guess they did.
Q Don't guess they did? A No sir.
Q Any of them own an improvement in what constituted the old Choctaw Nation in Mississippi or Alabama in the year 1830 when this treaty was made? A I don't know.
Q Did any of them live there then to your knowledge? A I don't know.
Q Did any of them remove to the present Choctaw Nation, Indian Territory at the time of the removal of the greater portion of the Choctaw tribe between 1833 and 1838? A No sir, I don't guess they did.
Q Did any of them within six months after the treaty of Dancing Rabbit Creek was ratified, let the Agent of the government in Mississippi for the Choctaws know that they wanted to stay there, become citizens of the states and take land? A I don't know.

#5.

- Q Ever hear of any of your ancestors ever having gotten any land in Mississippi from the government under this fourteenth article? A No sir.
- Q Did you ever hear of any of your ancestors ever having received any benefits from the government as Choctaw Indians---land or money? A No sir.

In accordance with the provisions of this fourteenth article of the treaty of Dancing Rabbit Creek the government of the United States directed an Agent in Mississippi to register the names of such Choctaws as might desire to remain and become citizens of the states and take land. The records of the government show that this Agent failed to register and report to the government the names of many Indians who did in fact let him know that they wanted to stay and become citizens of the states and take land, and on that account the government at its public land sales in Mississippi in many instances sold land upon which Choctaws lived and had improvements and which they supposed they would receive under the fourteenth article of the treaty. This caused a great deal of complaint among the Indians and the matter was finally brought to the attention of Congress and Congress passed certain acts between 1833 and 1838 providing for the appointment of Commissioners to go down to Mississippi and hear cases of Choctaws who claimed that they had complied in all respects with the provisions of this fourteenth article of the treaty of Dancing Rabbit Creek but that their land had been sold by the government. These Commissioners were duly appointed by the President of the United States and they went down to Mississippi and heard a great many of these Choctaw cases.

- Q Did any of your ancestors appear before any of these Commissioners and attempt to establish their rights under the fourteenth article of the treaty of Dancing Rabbit Creek? A No sir, not that I know of.

The act of Congress approved on the 23rd day of August, 1842, provided that in case it should be finally decided that a Choctaw had complied in all respects with the provisions of the fourteenth article of the treaty of Dancing Rabbit Creek but that his land had been sold by the government, he should be entitled to select in the place of the land so sold by the government, land some place else in Mississippi, Alabama, Louisiana or Arkansas, from vacant government land, and should be given a certificate to that effect. These certificates were called scrip.

- Q Did any of your Choctaw ancestors ever get any of this scrip from the government of the United States under this act of Congress? A No sir, I guess not; if they did, I don't know anything about it.
- Q Do you know of any old persons living who would likely know whether any of your ancestors ever complied or attempted to comply with the provisions of the fourteenth article of the treaty of Dancing Rabbit Creek or ever received any benefits thereunder? A No sir.

46.

- Q Do you know of any written evidence of any description which would prove or tend to prove such a state of facts? A No sir.
- Q Have you any written evidence to offer at this time in support of your application? A No sir.
- Q Have you any witnesses here to-day to testify in your behalf? A Yes sir.
- Q Who? A Witness for what?
- Q To testify in your case; I asked you if you had any witnesses to testify in your case and you said you had one; who is it?
- A Well, these is witnesses here for me.
- Q Who are they? A Uncle Jess Taylor.
- Q Who else? A Thomas Taylor and Joe Taylor, if I understand what you mean; I don't know whether I understand what you mean.
- Q I wanted to know if you had any one here to testify in support of your application, and as I understand it these gentlemen you refer to are relatives of yours, descendants of the same common ancestor; what you mean by them being witnesses for you is that you want your case considered in connection with all their cases? A Yes sir.

By Mr. Harrison

All of them have applied except one, and consolidation has been ordered in all except the case not yet registered.

By the Commission:

- Q You have no other witnesses? A No sir.
- Q Is there any further statement you desire to make at this time in support of your application? A No sir.

If you should find any witnesses whose testimony you desire to have taken in support of your application, they may appear before us here at Muskeges within ten days from to-day and their testimony will be taken; if you should see fit to offer any written evidence in support of your application, such evidence will be considered by the Commission if received within ten days.

By Mr. Harrison:

- Q What was your grandfather's name? A My grandfather?
- Q Yes? A James Taylor.
- Q What was the name of his wife? A I don't know what his wife's name was.
- Q Did you ever hear of a Taylor in your family named Louisa?
- A Yes sir.
- Q Do you remember who she was; what kin was she to you? A I don't know; she was my great-grandmother I guess.
- Q You don't know whether she was your grandmother or great-grandmother? A I know she was not my grandmother.
- Q Do you know whether she was the wife of James Taylor or not?
- A Louisa?
- Q Yes? A I guess she was.
- Q Well don't guess about it; if you don't know, say you don't know? A I don't know.

#7.

- Q Have you any reason to believe she was the wife of James Taylor?
A No sir.
Q You don't say then that she was not the wife of James Taylor?
A No sir.
Q Did you ever hear in your family of a person by the name of Annie Cooper? A Yes, I have heard of her.
Q Who did you understand, from what you heard, her to be?
A I don't remember.
Q Did you ever hear of any member of your family by the name of Robert Connell? A Yes, I heard them speak of him.
Q Who did you understand, from what you heard, him to be? A I don't know.
Q Did you understand him to be of any kin to you? A Yes sir, I think he was.
Q Now what kin did you understand him to be? A I don't know as I understand him to be what kin he was.
Q Do you know whose daughter Annie Cooper was, or have you heard in your family? A Annie Cooper?
Q Yes? A No sir, I don't know.
Q Did you ever hear in your family of a person by the name of Eliza Cooper? A Yes sir.
Q Who did you understand her to be? A I don't know.
Q Is it your information that she was a relative of yours?
A Yes sir.
Q Do you know of what kin she was? A No sir.
Q Have you ever heard of what kin she was? A Yes sir.
Q Will you state what kin as you heard she was to you? A I don't remember.
Q When you say in answer to the question of the Commission with reference to any of your ancestors having lived in Mississippi in 1830, "I don't guess they did," did you mean to say that you didn't know whether they lived there or not? A Yes sir, that's what I mean; I said I don't know.
Q You also said "I don't guess they did"; how do you intend to answer that question? A I mean to say I did not.

By the Commission:

- Q Are you a full sister of James E. Taylor? A No sir.
Q You are not a full sister of his? A No sir.
Q Do you know the wife of James E. Taylor? A Yes sir, I know his wife.
Q What is her name? A Maggie.
Q What was her maiden name? A Maggie Tutin.
Q Well James E. Taylor is sometimes known as Ed Taylor? A Yes sir.
Q Are you any relation to Joseph Davis Taylor? A Full sister.
Q What relation are you to Robert T. Taylor? A Sister.

Reference is hereby made to consolidated Mississippi Choctaw case No. R 436, James A. Taylor et al., this applicant being a descendant of Eliza Cooper the common ancestor.

- Q You don't speak or understand the Choctaw language do you?
A No sir.

#2.

The applicant has the appearance of being a white woman; shows no indications of being possessed of Indian blood; she doesn't speak or understand the Cheotaw language; has dark hair; dark complexion and dark gray eyes; she has no knowledge of the compliance on the part of her ancestors with any of the provisions of the fourteenth article of the treaty of Dancing Rabbit Creek.

Albert G. McMillan, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he reported the proceedings had in the above entitled cause on the 24th day of June, 1902, and that the above and foregoing is a full, true and correct transcript of his stenographic notes taken in said cause on said date.

Albert G. McMillan

Subscribed and sworn to before me this 14 day of July, 1902.

Guy L. V. Emerson
Notary Public.

Muskogee, Indian Territory, February 14, 1903.

Luella E. Fuller,

Bradley, Indian Territory.

Dear Madam:

You are hereby advised that on the 14th day of February 1903, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of James A. Taylor, et al., embracing the following applications for identification as Mississippi Choctaws:

| | |
|------------------------------|--------------|
| James A. Taylor, et al., | M.C.R. 436 |
| Joseph Davis Taylor, et al., | M.C.R. 642 |
| Gus Taylor, | M.C.R. 643 |
| Allie Taylor, | M.C.R. 644 |
| James E. Taylor, et al., | M.C.R. 5625 |
| Jesse M. Taylor, | M.C.R. 5626 |
| Odis Ardrey, et al., | M.C.R. 5627 |
| Carrie Taylor, et al., | M.C.R. 5628 |
| Henry Taylor, | M.C.R. 5859 |
| Luella E. Fuller, et al., | M.C.R. 5860 |
| Robert T. Taylor, et al., | M.C.R. 5861. |

These applications were made under the provision of the act of Congress approved June 28, 1898 (30 Stats., 495) which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses, and perform all other acts necessary thereto and make report to the Secretary of the Interior."

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of James A. Taylor, Wm. E. Taylor, Jesse Taylor, Joseph Taylor, Harvey Taylor, Oscar Taylor, Arthur Bert Taylor, Charles Elbert Taylor, Joseph Davis Taylor, Johnnie Columbus Taylor, Benjamin Franklin Taylor, Joseph Ople Taylor, Gus Taylor, Allie Taylor, James E. Taylor, Lela Taylor, Ella Belle Taylor, Willie Taylor, Jesse Taylor (2), Pearl Taylor, Jesse H. Taylor, James Walter Taylor, Emma Taylor, Clara Taylor, Lucie Taylor, Alvin Taylor, Leonard Taylor, Odie Ardrey, Lee Ardrey, Lena Ardrey, May Ardrey, Arlus Ardrey, Carrie Taylor, Lula Taylor, Delbert Taylor, Henry Taylor, Luella E. Fuller, Ruby L. Fuller, Leland Fuller, Orbra C. Fuller, Robert T. Taylor, Herbert Taylor, Roy C. Taylor and William R. Taylor, as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the applications for their identification as such should be refused, and it is so ordered."

It is the further opinion of this Commission that under the provision of law above quoted, no person is entitled to identification as a Mississippi Choctaw by marriage, and that the applications made by James A. Taylor for the identification of his wife, Eugenia Taylor; by America Taylor for the identification of herself; and by Robert T. Taylor for the identification of his wife, Lillie Taylor, as intermarried Mississippi Choctaws, should, therefore, be refused and it is so ordered."

You are further advised that you will be allowed fifteen days from the date hereof within which to file arguments in this office, and that at the expiration of said time the papers in the case together with such arguments will be forwarded to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

(SIGNED)

Tame Dixie

Acting Chairman.

Registered.

MCR-5860.

Muskogee, Indian Territory, March 18, 1907.

Luella E. Fuller,
Bradley, Indian Territory.

Dear Madam:

You are hereby notified that the Secretary of the Interior on February 12, 1907, affirmed the decision of the Commission to the Five Civilized Tribes of February 14, 1903, refusing to identify as Mississippi Choctaws the several applicants in the consolidated case of James A. Taylor et al.

Respectfully,

Commissioner.

REFUSED.

CHOCTAW.

JUN. 20 1900

Luella E Fuller

Duncan, I. J.

(Father). Wm Taylor

(mother). Nancy Taylor. (N S)

(Husband) Claude Fuller,
(Father) James Fuller.
(mother) Emma Fuller.

(
(4) Rubie L.
(2) Leland.
)

CHOCTAW.

Personal appearance and
testimony at Colbert, I. J.
June 20, 1900.

5850

For Identification as a Mississippi Choctaw.

Name *Luella E. Fuller*

Age *27*

Post Office *Wadley, Miss.*

Father *Wm. C. Fuller*

Mother *Genevieve*

Claims through *father*
husband

Genevieve Fuller
no claim for husband

For

Children

Ruby L. Fuller 6

Leland 3

Orbra C. 2m

Stenographer

A. G. McMillan

Register to

Luella E. Fuller,

Duncan,

Indian Territory,

and return registry receipt to

7-R-664.

Choctaw MCR 5861

Robert T. Taylor

See MCR 436

MCR 5861

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application of Robert T. Taylor for the enrollment of himself and children as citizens by blood of the Choctaw Nation, and for the enrollment of his wife as an intermarried citizen of the Choctaw Nation.

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The applicant, Robert T. Taylor, appeared before the Commission at Colbert, Indian Territory, June 21, 1900, and there made application for the enrollment of himself and children, Herbert and Robert C. Taylor, as citizens by blood of the Choctaw Nation, and for the enrollment of his wife, Lillie Taylor, as an intermarried citizen of the Choctaw Nation.

It appears from the evidence in this case that the names of the applicants have never been on any of the rolls of the Choctaw Nation; and that the applicants have never been admitted to citizenship in the Choctaw Nation by either the legally constituted authorities of the Choctaw Nation, or by the Commission to the Five Civilized Tribes acting under the act of Congress of June 10, 1896, or by the United States Courts in the Indian Territory on appeal from the decision of the tribal authorities or the decision of the Commission.

It also appears from the evidence that Lillie Taylor, wife of the applicant, Robert T. Taylor, was never married to a recognized citizen of the Choctaw Nation under the Choctaw Law, as required by the laws of the Choctaw Nation.

The application of Robert T. Taylor for the enrollment of himself and children, Herbert and Robert C. Taylor, as citizens by blood of the Choctaw Nation, and for the enrollment of his wife, Lillie Taylor, as an intermarried citizen of the Choctaw Nation, is therefore hereby refused.

BY THE COMMISSIONER.



Acting Chairman.

Muskogee, Indian Territory, Oct. 11, 1900.

Department of the Interior,
Commission to the Five Civilized Tribes,
Colbert, I.T. June 21, 1900.

In the matter of the Application of Robert T. Taylor for the enrollment of himself and children as Choctaws by blood, and for the enrollment of his wife as an intermarried Choctaw; being duly sworn by Acting Chairman Bixby, testified as follows:

Examination before the Commission..

- Q What is your name? A Robert T. Taylor.
- Q What is your age? A 28.
- Q Where do you live? A Chickasaw Nation, Indian Territory.
- Q At what point? A Chickasha.
- Q How long have you lived at Chickasha? A I moved there last summer in July.
- Q Where did you live before that? A Near Velma, I.T.
- Q Where is that? A Chickasha Nation.
- Q How long did you live there? A I lived there about 9 years.
- Q Where did you live before that? A In Texas.
- Q Have you been outside of the Chickasaw Nation or the Choctaw Nation for the last three years? A Yes, sir, we have been up, in the Cheyenne country, Oklahoma.
- Q When? A Last fall a year ago, and stayed up there two or three months.
- Q That was in 1898, was it? A Yes, sir.
- Q What time did you go up there? A I believe I was up there in April and then I went up in the Fall.
- Q What month did you go up there in the Fall? A It must have been November or December.
- Q You stayed two or three months then? A Yes, sir.
- Q That was in November 1898? A Yes, sir.
- Q You said you went up there in April 1898? A Yes, sir I was up there a week or two.
- Q Not over that? A No, sir.
- Q You apply for the enrollment of your self and wife and children as citizens of the Choctaw Nation, do you? A Yes, sir.
- Q What is the name of your father? A William Taylor.
- Q Is he living? A No, sir.
- Q Was he a Choctaw? A Yes, sir.
- Q What proportion of Choctaw blood did he claim? A 1/8.
- Q Did he ever live in the Choctaw Nation? A No, sir.
- Q Where did he live? A In the Chickasaw Nation?
- Q How long did he live in the Chickasaw Nation? A He had been there about nine years when he died.
- Q When did he die? A He died in February 1898, I believe.
- Q Was he a white man? A No, sir.
- Q He was never recognized by the Choctaw Tribal authorities as a citizen? A No, sir.
- Q What was the name of your mother? A Nancy Taylor.
- Q Is she living? A No, sir.
- Q Was she a white woman? A Yes, sir.
- Q Does your name or the name of your wife or children appear up on any of the Choctaw Tribal rolls? A No, sir.
- Q Did you ever make application for yourself or your wife or your children to the Choctaw Tribal authorities for citizenship in that Nation? A No, sir.
- Q Did you make application for yourself or your wife or any of your children in the year 1896 to this Commission for citizenship in the Choctaw Nation? A No, sir.
- Q And you have never been recognized in any way as a citizen of the Choctaw Nation by the Tribal authorities? A No, not by the authorities.
- Q What is the name of your wife? A Lillie Taylor.
- Q Is she living? A Yes, sir.

Robert T. Taylor -2

Q She is a white woman? A Yes, sir, she is a white woman.
Q You are living with her at the present time? A Yes, sir.
Q Do you make application for her at the present time? A Yes, sir.
Q Do you make application for her as an intermarried citizen?
A Yes, sir, we married under United States law.
Q Where were you living when you were married? A Near Velma, in the Chickasaw Nation.
Q You married your wife under the United States law? A Yes, sir.
Q Do you desire to offer in evidence at this time either your original marriage license and certificate or a certified copy thereof?
A Yes, sir.
(Marriage license and certificate of R. T. Taylor and Miss Lillie Fuller offered in evidence, identified as Exhibit A and placed on file and made a part of the record of this case.)
Q What is the age of your wife? A She is 23 I think.
Q What did you say was her father's name? A I can't tell you his given name, it was Fuller.
Q Was he a white man? A Yes, sir.
Q What was the name of her mother? A Emma, her given name, it is Smith now.
Q Your wife's mother is married a second time? A Yes, sir.
Q Are both your wife's mother and her father living? A No, sir, her father isn't living, her mother is living.
Q What are the names of your children, and their ages? A Herbert is 4, and Robert Colvin is 2.
Q These children were born to Lillie Taylor by her marriage to you? A Yes, sir.
Q They are now living with you and have always lived with you?
A Yes, sir.
Q They get their Indian blood through you? A Yes, sir.
Q What proportion of Choctaw blood do you claim to have? A 1/16.
Q In there any additional statement in regard to your case you desire to make at this time? A No, sir, not that I know of.
Q Have you any other papers you desire to file at this time?
A I have some here I desire to file.
(Affidavit of Patsy Poff, certified copy of affidavit of M. B. Blackburn, of J. E. Stallings, of M. Davis, and of J. P. Lawrence offered in evidence, identified as exhibits B, C, D, E, and F respectively, and made a part of the record in this case.)

A copy of the decision of the Commission with reference to the application of yourself and minor children for enrollment as Choctaw Indians by blood, and your wife for enrollment as an intermarried citizen of the Choctaw Nation, will be furnished you at a later date, and mailed to you at your present post office address. Any written evidence which you may file in connection with your case at a later date before the Commission cannot receive the consideration of the Commission in deciding this application, but will be forwarded, together with the record in this case, to the Honorable Secretary of the Interior for his consideration when the final rolls of the Choctaw Nation are sent to him for approval.

Bruce C. Jones, being duly sworn, says that as stenographer to the Commission to the Five Civilized Tribes he reported the testimony of the above named witness, and that the foregoing is a full, true and correct translation of his stenographic notes.

Bruce C. Jones

Sworn to and subscribed before me this 2nd day of July, 1900.

W. H. R. [Signature]

Department of the Interior.
Commission to the Five Civilized Tribes.
Muskegee, I. T., June 24th, 1902.

#3361

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In the matter of the application of Robert T. Taylor for the identification of himself and his three minor children, Herbert, Roy C. and William R. Taylor, as Mississippi Choctaws.

Thomas A. Harrison attorneys for applicant.

Robert T. Taylor, being first duly sworn, testified as follows:

Examination by the Commission:

- Q What is your name? A Robert T. Taylor.
Q How old are you? A Thirty years old.
Q How much Choctaw blood have you? A One-sixteenth.
Q What is your post office address? A Bradley, I. T.
Q How long have you lived in the Chickasaw Nation? A I don't know, some twelve or thirteen years.
Q Is your father living? A No sir.
Q What was his name? A Wm. Taylor.
Q Is your mother living? A No sir.
Q What was her name? A Her name was Nancy--Nancy Taylor.
Q Through which one of your parents do you derive your Choctaw blood? A Father.
Q How old would your father be if living now? A I don't know exactly how old, somewhere in sixty I guess.
Q Where was he born? A Where?
Q Yes sir? A I don't know.
Q Ever live in the Choctaw Nation? A No sir, not that I know of.
Q Through which one of his parents did he get his Choctaw blood?
A Mother.
Q What was her name? A Her name was Louis a Taylor.
Q Where was she born? A I don't know.
Q Do you know where she lived during her lifetime? A No, not all the time, she lived a while in Texas.
Q Never lived in the Choctaw Nation? A I don't know whether she did or not.
Q Through which one of her parents did she derive her Choctaw blood? A Father.
Q What was his name? A Gennell.
Q What was his full name? A Robert I believe.
Q How much Choctaw blood did he have? A I don't know.

#2.

Q Through which one of his parents did he get his Choctaw blood?
A I couldn't say.
Q Was your father ever recognized in any manner or enrolled as a member of the Choctaw tribe of Indians in Indian Territory?
A No sir.
Q Were you? A No sir.
Q Was his mother? A No sir.
Q Was his grandfather? A I don't know.
Q Were your father and mother lawfully married? A Yes sir.
Q How do you know? A I have witnesses to establish the fact.
Q You have witnesses? A Yes sir.
Q Are there any here to-day? A No sir; there has been one here before the Commission.
Q Testified in some of the cases of your brothers or sisters?
A Yes sir.
Q What one? A James N.
Q Are you married? A Yes sir.
Q Is your wife living? A Yes sir.
Q What is her name? A Lillie Taylor.
Q Has she any Choctaw blood? A No sir.
Q You make no claim for her; she's got no Choctaw blood? A No, no Choctaw blood.

By Mr. Harrison:

He only claims for himself and child; his wife is a white woman.

By the Commission:

Q Were you ever married more than once? A No sir.
Q Was she? A No sir.
Q How many children have you living? A Three.
Q What are their names and ages, the oldest first? A Herbert, six years old.
Q Next one? A Roy C.
Q How old? A He's four I think.
Q Next one? A William R.
Q How old? A Over a year old.
Q These children are all living with you at this time? A Yes sir.
Q Are they all three the children of yourself and Lillie?
A Yes sir.
Q Were you married to her under a license? A Yes sir.
Q When? A About seven years ago.
Q Where? A Ardmore; married at Velma; license was issued at Ardmore; man by the name of Ward married us.
Q What official position did he hold at that time? A He was a Baptist preacher.
Q Have you your license with you? A No sir, it's before the Dawes Commission here though.
Q You have made application then before to-day have you?
A Yes sir.
Q When? A Gilbert.
Q When? A Couple years ago.

Records of the Commission show that on the 21st day of June, 1900, Robert C. Taylor appeared before the Commission at Colbert, Indian Territory, and made application for the enrollment of himself and minor children Herbert and Robt. C. as Choctaws by blood, and for the enrollment of his wife Lillie as an intermarried citizen of the Choctaw Nation, their names appearing upon Choctaw Card, filed No. R 675. In the record of said case is found the marriage license of R. T. Taylor and Lillie Fuller.

- Q Your wife's maiden name was Fuller, was it? A Yes sir.
- Q Now our records show that you gave in the name of your son who, according to your application two years ago would be at this time about four years old, as Robert C.; is that correct?
- A No sir, Roy C.
- Q Is this application made two years ago at Colbert the only application of any kind that has ever been made before to-day for you or these children? A Yes sir.
- Q Neither you nor any of these children have ever been admitted to citizenship in the Choctaw Nation by the Choctaw tribal authorities, the Commission to the Five Civilized Tribes or the United States Court for the Indian Territory have they?
- A No sir.
- Q And your names are not found upon any of the tribal rolls?
- A No sir.
- Q You have never been recognized in any manner as citizens of the Choctaw Nation? A No sir.
- Q You appear before the Commission at this time for the purpose of claiming rights in the Choctaw lands in Indian Territory, for yourself and three minor children, under the provisions of the fourteenth article of the treaty of Dancing Rabbit Creek, do you? A I don't understand that article.

This treaty of Dancing Rabbit Creek was entered into in Mississippi on the 27th day of September, 1830, between the government of the United States and the Choctaw tribe of Indians. At the time the treaty was made some of the Choctaws lived in the state of Mississippi and along the western edge of the state of Alabama. The object of the treaty was to get these Indians to move from the country occupied by them in Mississippi and Alabama to the new country west of the Mississippi river, part of which is now occupied by the greater portion of the Choctaw tribe of Indians and is commonly known as the Choctaw-Chickasaw country in the Indian Territory. At the time this treaty was made some of these Indians were unwilling to leave this country and for the benefit of those who preferred to stay there, what is known as the fourteenth article was put into the treaty. That fourteenth article provided that upon certain conditions a Choctaw who might prefer to stay in the old Choctaw Nation and not move out to the new country, might receive land in Mississippi from the government. It is as follows:

"Each Choctaw head of a family being desirous to remain and become a citizen of the states shall be permitted to do so, by signifying his intention to the Agent within

six months from the ratification of this treaty, and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land, to be bounded by sectional lines of survey; in like manner shall be entitled to one half that quantity for each unmarried child which is living with him over ten years of age; and a quarter section to such child as may be under ten years of age, to adjoin the location of the parent. If they reside upon said lands intending to become citizens of the states for five years after the ratification of this treaty, in that case, a grant in fee simple shall issue; said reservation shall include the present improvement of the head of the family, or a portion of it. Persons who claim under this article shall not lose the privilege of a Choctaw citizen but if they ever remove are not entitled to any portion of the Choctaw annuity."

- Q You understand that fourteenth article now do you? A I believe I do.
- Q Did any of your ancestors ever comply or attempt to comply with its provisions or ever receive any benefits under that article?
- A No sir, I guess not.
- Q Do you know whether they did or not? A No, I don't know.
- Q Did any of them own an improvement in what constituted the old Choctaw Nation in Mississippi and Alabama in the year 1830, when the treaty of Dancing Rabbit Creek was made? A Not that I know of.
- Q Did any of them live there at that time to your knowledge?
- A No, my understanding was that they moved from that country in an early day.
- Q But you don't know whether any of them lived there in 1830 or not? A No sir.
- Q Did any of them, within six months after the treaty of Dancing Rabbit Creek was ratified, let the Agent of the government for the Choctaws there in Mississippi know that they wanted to stay in Mississippi, become citizens of the states and take lands?
- A I don't know.
- Q Did any of them ever claim or receive any land in Mississippi from the government of the United States under the provisions of the fourteenth article of the treaty of Dancing Rabbit Creek to your knowledge? A No sir, not that I know of.
- Q Did any of them remove to the present Choctaw Nation, Indian Territory, at the time of the removal of the greater portion of the Choctaws between 1833 and 1838? A They came in there in the 30s; I don't know what year.
- Q Who came? A My ancestors.
- Q What were their names? A Cooper.
- Q What one particularly? A Eliza Cooper I think was her name.
- Q What relation was she to you? A My father's great-grandmother.
- Q She moved out to the Choctaw Nation, Indian Territory, from the old Nation in Mississippi in the early 30s? A Yes sir.
- Q How did you get that idea? A That's what our evidence shows to be.
- Q You never heard of her or any other of your Choctaw ancestors ever having gotten any land or money from the government?

#5.

A No sir.

In accordance with the provisions of this fourteenth article of the treaty of Dancing Rabbit Creek the government of the United States directed an Agent in Mississippi to register the names of such Choctaws as might desire to remain in the state of Mississippi, become citizens of the states and take land. The records of the government show that this Agent failed to register and report to the government the names of many Indians who did in fact let him know that they wanted to stay in Mississippi, become citizens of the states and take land, and on this account the government at its public land sales in Mississippi in many instances sold land upon which Choctaws lived and had improvements and which they supposed they would receive under the fourteenth article of the treaty. This caused a great deal of complaint among the Indians and the matter was finally brought to the attention of Congress and Congress passed certain acts between the years 1837 and 1842, providing for the appointment of Commissioners to proceed to Mississippi and hear the cases of Choctaws who claimed that they had complied in all respects with the provisions of the fourteenth article of the treaty of Dancing Rabbit Creek but that their land had been sold by the government. These Commissioners were duly appointed by the President of the United States and they went down to Mississippi and heard a great many Choctaw cases.

- Q Did any of your ancestors, to your knowledge, appear before any of these Commissioners and attempt to establish their rights under article fourteen of the treaty of Dancing Rabbit Creek?
- A I don't know whether they did or not.

The act of Congress approved on the 23rd day of August, 1842, provided that in case it should be finally decided that a Choctaw had complied in all respects with the provisions of the fourteenth article of the treaty of Dancing Rabbit Creek but that his land had been sold by the government he should be entitled to select in place of the land so sold by the government, land some place else in Mississippi or in Alabama, Louisiana or Arkansas, from vacant government land, and should be given a certificate to that effect. These certificates were called scrip.

- Q Did any of your ancestors ever get any of this scrip from the government of the United States under this act of Congress?
- A None that I know of.
- Q So far as you know then, none of your Choctaw ancestors ever received any benefits whatever as Choctaw Indians? A No sir.
- Q Do you know of any old persons living who would likely know whether any of your ancestors ever complied or attempted to comply with the provisions of the fourteenth article of the treaty of Dancing Rabbit Creek or ever received any benefits thereunder? A No sir.
- Q Do you know of any written evidence of any description which would prove or tend to prove such a state of facts? A No, I don't know.

#6.

- Q Have you any written evidence of any description to offer at this time in support of your application? A No sir.
- Q Have you any witnesses here to-day to testify in your behalf? A No sir.
- Q Are there any further statements you desire to make at this time in support of your application? A I have none that I know of.

By attorney Harrison:

- Q Have you any question you want to ask me that I may be able to propound some questions to you? A I have got a deposition.

By the Commission:

- Q What is that about depositions? A We have got a deposition that will have to be taken.

By Attorney Harrison:

We have an absent witness your honor please, whose testimony we shall ask at the proper time be taken by deposition or by affidavit in support of this case and the cases consolidated therewith.

By the Commission:

The question of these papers will be passed upon when you make proper showing.

By the Commission to Attorney Harrison:

- Q Nothing you want to ask the applicant? A No sir.

By the Commission to applicant:

- Q What relation are you to Luella M. Faller who has just appeared before the Commission? A Brother.
- Q Full brother? A Yes sir.

Reference is hereby made to consolidated Mississippi Choctaw case, M C R 436, James A. Taylor et al.

The applicant has the appearance of being a white man; shows no indications of being possessed of Indian blood; has light hair, eyes and complexion; doesn't speak or understand the Choctaw language; he has no knowledge of the compliance on the part of his ancestors with the provisions of article fourteen of the treaty of 1830.

Albert C. McMillan, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he reported the proceedings had in the above entitled cause on the 24th day of June, 1902, and that the above and foregoing is a full, true and correct transcript of his stenographic notes taken in said cause on said date.

Albert C. McMillan

Subscribed and sworn to before me this 14 day of July, 1902.

Guy L. V. Emerson
Notary Public

Muskogee, Indian Territory, February 14, 1903.

Robert T. Taylor,
Bradley, Indian Territory.

Dear Sir:

You are hereby advised that on the 14th day of February 1903, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of James A. Taylor, et al., embracing the following applications for identification as Mississippi Choctaws:

| | |
|------------------------------|--------------|
| James A. Taylor, et al., | M.C.R. 436 |
| Joseph Davis Taylor, et al., | M.C.R. 642 |
| Gus Taylor, | M.C.R. 643 |
| Allie Taylor, | M.C.R. 644 |
| James E. Taylor, et al., | M.C.R. 5625 |
| Jesse M. Taylor, | M.C.R. 5626 |
| Odis Ardrey, et al., | M.C.R. 5627 |
| Carrie Taylor, et al., | M.C.R. 5628 |
| Henry Taylor, | M.C.R. 5859 |
| Luella E. Fuller, et al., | M.C.R. 5860 |
| Robert T. Taylor, et al., | M.C.R. 5861. |

These applications were made under the provision of the act of Congress approved June 28, 1898 (30 Stats., 495) which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses, and perform all other acts necessary thereto and make report to the Secretary of the Interior."

R T T -2

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of James A. Taylor, Wm. E. Taylor, Jesse Taylor, Joseph Taylor, Harvey Taylor, Oscar Taylor, Arthur Bert Taylor, Charles Elbert Taylor, Joseph Davis Taylor, Johnnie Columbus Taylor, Benjamin Franklin Taylor, Joseph Ople Taylor, Gus Taylor, Allie Taylor, James E. Taylor, Lela Taylor, Ella Belle Taylor, Willie Taylor, Jesse Taylor (2), Pearl Taylor, Jesse M. Taylor, James Walter Taylor, Emma Taylor, Clara Taylor, Ludie Taylor, Alvin Taylor, Ledford Taylor, Odie Ardrey, Lee Ardrey, Lena Ardrey, May Ardrey, Arlus Ardrey, Carrie Taylor, Lula Taylor, Delbert Taylor, Henry Taylor, Luella E. Fuller, Ruby L. Fuller, Leland Fuller, Orbra C. Fuller, Robert T. Taylor, Herbert Taylor, Roy C. Taylor and William R. Taylor, as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the applications for their identification as such should be refused, and it is so ordered."

It is the further opinion of this Commission that under the provision of law above quoted, no person is entitled to identification as a Mississippi Choctaw by marriage, and that the applications made by James A. Taylor for the identification of his wife, Eugenia Taylor; by America Taylor for the identification of herself; and by Robert T. Taylor for the identification of his wife Lillie Taylor, as intermarried Mississippi Choctaws, should, therefore, be refused, and it is so ordered."

You are further advised that you will be allowed fifteen days from the date hereof within which to file arguments in this office, and that at the expiration of said time the papers in the case together with such arguments will be forwarded to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

(SIGNED).

Tamc Darby.

Acting Chairman.

Registered.

7-5437
9-D159

Muskogee, Indian Territory, September 30, 1903.

Ben Noel,

Sansbois, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of your letter of the 19th instant, requesting to be advised relative to the application for enrollment as an intermarried citizen of your wife, Chaney Noel.

You are informed it appears from our records that Chaney Noel, now about twenty-two years of age, of Sansbois, Indian Territory and wife of Ben Noel, is an applicant to this Commission for enrollment as an intermarried citizen of the Chickasaw Nation, but no decision relative to her right to final enrollment as such has yet been rendered by the Commission. As soon as a decision has been reached in her case due notice of the action taken by the Commission therein will be forwarded to her at Sansbois, Indian Territory.

Respectfully,

Chairman.

MCR-5861.

Muskogee, Indian Territory, March 18, 1907.

Robert T. Taylor,
Bradley, Indian Territory.

Dear Sir:

You are hereby notified that the Secretary of the Interior on February 12, 1907, affirmed the decision of the Commission to the Five Civilized Tribes of February 14, 1903, refusing to identify as Mississippi Choctaws the several applicants in the consolidated case of James A. Taylor et al.

Respectfully,

Commissioner.

MEMORANDA.

Chickasaw - 1877
 4/2 1/1900

Name Robert H. Taylor (Date) 6/8/94

Choctaw ? County Year No.
 Chickasaw ? County Year Page

Citizen by blood ? Mother's citizenship

Intermarried citizen ?

Married under what law ?

License filed this day. Father Wm Taylor dead (1/2) ✓
 Mother Nancy (dead) white ✓

Wife's name Lillian Taylor (white) (23) ✓

married ✓ Father Year Fully dead
 Mother Emma Smith ✓
 County Year Page

Citizen by blood ? Mother's citizenship

Intermarried citizen ?

Married under what law ?

License filed this day

Names of children

| | | | | |
|---------------------------------|--------|------|------|-----|
| <u>Herbert Taylor</u> (4) | County | Year | Page | No. |
| <u>Robert Calvin Taylor</u> (2) | County | Year | Page | No. |
| | County | Year | Page | No. |
| | County | Year | Page | No. |
| | County | Year | Page | No. |
| | County | Year | Page | No. |
| | County | Year | Page | No. |
| | County | Year | Page | No. |
| | County | Year | Page | No. |
| | County | Year | Page | No. |

Choc by blood

FILED
JUN 21 1900
COMMISSION TO FIVE TRIBES.

In case No. 675, Choc. R., the name of one of applicant's children is given in the testimony as "Robert Calvin" Tayler, and in the judgment it is spelled Robert C. Taylor.

R. C. G. Oct. 12, 1900.

Register to Robert T. Taylor,
Chickasha, I. T.
and return receipt to
Choctaw R 675

No. 5861

For Identification as a Mississippi Choctaw.

Date

Name *Robert T. Taylor*

Age *30* Blood *1/16*

Post-Office *Bradley, I.T.*

Father: *W^m Taylor*

Mother: *Nancy*

Claims through *father*
wife Lillie Taylor
no claim for wife

Children:

| | |
|---------------------------|----------|
| <i>Herbert Taylor</i> | <i>6</i> |
| <i>Roy C. "</i> | <i>4</i> |
| <i>W^m R. "</i> | <i>1</i> |

For self and 3 children

Stenographer *A. G. McMillan*

Choctaw MCR 5862

William T. Grisham

See MCR 5864, 5863, 5865
5866

MCR 5862

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application of William T. Grisham, et al., for identification as Mississippi Choctaws, consolidating the applications of:

| | |
|------------------------------|-------------|
| William T. Grisham, | M.C.R. 5862 |
| Mattie Wilson, et al., | M.C.R. 5864 |
| Emily Conaway, | M.C.R. 5863 |
| William J. Conaway, et al., | M.C.R. 5865 |
| Franklin A. Conaway, et al., | M.C.R. 5866 |

List of papers forwarded to the Secretary of the Interior comprising the record in the consolidated case of William T. Grisham, et al.

| | |
|--|---------|
| Original application of William T. Grisham before the Dawes Commission for identification as a Mississippi Choctaw | Page. 1 |
| Original application of Mattie Wilson, et al., before the Dawes Commission for identification as Mississippi Choctaws | 7 |
| Testimony of Emily Conaway | 11 |
| Original application of Emily Conaway before the Dawes Commission for identification as a Mississippi Choctaw | 13 |
| Original application of William J. Conaway, et al., before the Dawes Commission for identification as Mississippi Choctaws | 15 |
| Certified copy of the Marriage record of W. J. Conaway and Lela Spring | 25 |

| | (Page) |
|---|--------|
| Original application of Franklin A. Conaway,
et al., before the Dawes Commission for
identification as Mississippi Choctaws----- | 26 |
| Certified copy of the Marriage record of F. A. Conaway
and Lottie Walker----- | 32 |
| Decision of the Commission refusing the consolidated
application of William T. Grisham, et al., for iden-
tification as Mississippi Choctaws----- | 35 |

-----C-----

Department of the Interior.
Commission to the Five Civilized Tribes.
Muskogee, I. T., June 24th, 1902.

#3062.

In the matter of the application of William T. Grisham for
the identification of himself as a Mississippi Choctaw.

S. Heard attorney for applicant.

William T. Grisham, being first duly sworn, testified as
follows:

Examination by the Commission:

- Q What is your name? A William T. Grisham.
Q How old are you? A Soon be sixty-six.
Q How much Choctaw blood have you? A I am an eighth.
Q What is your post office address? A Eunice, Texas.
Q How long have you lived in Texas? A I have lived there ever
since '92.
Q Where did you live before that? A Mississippi; born and
raised in Mississippi.
Q What county? A Tippah county.
Q You lived in Mississippi all your life until '92, when you moved
to the state of Texas? A Yes sir, I was born and raised
there and never was away from there only time of the war; I was
away a while then.
Q Is your father living? A No sir.
Q What was his name? A Austin---James Austin Grisham.
Q Is your mother living? A No sir.
Q What was her name? A Thurea.
Q Through which one of your parents do you get your Choctaw blood?
A Through my mother.
Q How old would your mother be if living to-day? A She was born
in 1813; now you can count it and see exactly.
Q 1813? A Yes sir.
Q Where was she born? A Alabama.
Q What county? A Franklin county.
Q And she moved from there to Mississippi? A Afterwards she was
married to my father she moved to Mississippi.
Q Do you know how old she was when she married? A No, she was
about between sixteen and seventeen I think when she married;
she married very young.
Q Through which one of her parents did she get her Choctaw blood?
A Her mother.

#2.

Q What was her name? A Her maiden name?
Q Yes sir? A She was a Welch.
Q Welch? A Yes sir.
Q What was her given name? A Mary Jane.
Q According to your testimony she was a half blood Chectaw?
A Yes sir.
Q Do you know where she was born? A No sir, I do not.
Q Where did she live--Mary Jane Welch--that is, besides in the
state of Alabama, if she lived anywhere else? A Yes sir, she
lived in Mississippi.
Q When did she move to Mississippi? A I don't know the date--
what time she moved to Mississippi.
Q Do you know about the time? A No sir, I do not.
Q What was your mother's father's name? A Jacob.
Q Jacob what? A Jacob Autry.
Q Any of your Chectaw ancestors ever live in the Chectaw Nation,
Indian Territory? A I don't know whether they did or not;
I suppose they have.
Q Did you ever hear of any of them ever having lived out here in
the Chectaw Nation? A Yes sir, I think I have.
Q Who? A Some of the Welch's lived out here.
Q Do you know when they came out here? A I do not; I think
they have been here a good while.
Q Were you ever recognized or enrolled as a member of the Chectaw
tribe of Indians by the Chectaw tribal authorities? A No sir.
Q Has your mother? A No sir.
Q Or her mother? A No.
Q Are you married? A Yes sir, have been; my wife's dead.
Q What was her name? A Adeline.
Q Did she have any Chectaw blood? A No sir, not that I knew of;
never heard of any.
Q Were you ever married more than once? A No sir.
Q Was she? A No sir.
Q Have you any minor children living? A No sir.
Q Have you any children living who are of age? A Two children.
Q What are their names? A One named Alexander Newton Grisham,
and Mattie Jane Wilson.
Q Have these children been before the Commission? A No sir.
Q Are they here to-day for that purpose? A One of them is.
Q Which one? A My daughter.
Q Is she the daughter of yourself and Adeline? A Yes sir.
Q Were you married to Adeline under a license? A Yes sir.
Q When? A 1855, September, 20th day of September, '55.
Q Where? A In Mississippi.
Q Who performed the ceremony? A Parson Prescott--John Prescott.
Q He was a minister of the gospel was he? A Yes sir.
Q Have you that license with you? A Have not; they are destroy-
ed by fire; I suppose the records was all destroyed time of the
war and was burnt once since.

In connection with any application your daughter may
make, it will be necessary for you to establish your marriage
to Adeline.

By the applicant.

I have a sister here who witnessed the ceremony.

#3.

By the Commission:

- Q How long did you live with Adline Grisham? A I lived with her until November, '96.
- Q Until her death? A Yes sir.
- Q Continuously? A Yes sir, she died November, '96.
- Q This application is for yourself only is it? A Yes sir.
- Q Is your name on any of the Choctaw tribal rolls in Indian Territory? A Not that I know of.
- Q Have you ever made application to the Choctaw tribal authorities or the United States authorities to be admitted or enrolled as a member of that tribe? A No sir.
- Q You never then have been admitted to citizenship in the Choctaw Nation by the Choctaw tribal authorities, the Commission to the Five Civilized Tribes or the United States Court for the Indian Territory? A No sir.
- Q Never have been recognized in any manner as a citizen of the Choctaw Nation? A No sir.
- Q You appear before the Commission at this time for the purpose of claiming rights in the Choctaw lands in Indian Territory, under the provisions of the fourteenth article of the treaty of Dancing Rabbit Creek? A Yes sir.
- Q You understand the fourteenth article thoroughly do you?
- A Yes sir, I think so.

It reads as follows:

"Each Choctaw head of a family being desirous to remain and become a citizen of the states shall be permitted to do so, by signifying his intention to the Agent within six months from the ratification of this treaty, and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land, to be bounded by sectional lines of survey; in like manner shall be entitled to one half that quantity for each unmarried child which is living with him over ten years of age; and a quarter section to such child as may be under ten years of age, to adjoin the location of the parent. If they reside upon said lands intending to become citizens of the states for five years after the ratification of this treaty, in that case, a grant in fee simple shall issue; said reservation shall include the present improvement of the head of the family, or a portion of it. Persons who claim under this article shall not lose the privilege of a Choctaw citizen but if they ever remove are not entitled to any portion of the Choctaw annuity."

- Q Did any of your ancestors ever comply or attempt to comply with its provisions or receive any benefits thereunder? A I don't think they did; I don't remember, but I think if they had I would have heard my father or mother speak of it.
- Q You heard them speak of the treaty? A Yes sir.
- Q But you never heard them say they made any claim under that article fourteen? A No sir.
- Q Where was your mother living when this treaty was made?
- A Tippah.

4.

- Q Tippah County, Mississippi? A Yes sir.
- Q Did she own an improvement in what constituted the old Choctaw Nation at that time--the time this treaty was made? A No sir, she didn't.
- Q Did her mother? A No, her mother never lived in Mississippi; she died while my mother was small; about thirteen years old is my recollection of mother telling her age when her mother died.
- Q Did any of your Choctaw ancestors within six months from the treaty of Dancing Rabbit Creek was made, let the Agent of the government in Mississippi for the Choctaws know that they wanted to stay in Mississippi, become citizens of the states and take land? A Not that I know of.
- Q Did any of them ever claim or receive any land in the state of Mississippi from the government of the United States under the fourteenth article of the treaty of Dancing Rabbit Creek?
- A I think not; if they have I never heard of it.
- Q Did you ever hear that any of your ancestors ever received any land in Mississippi or Alabama from the government? A No sir.
- Q Do you know whether any of them were recognized members of the Choctaw tribe at that time--the time this treaty was made, seventy-two years ago? A Not that I know of.

In accordance with the provisions of this fourteenth article of the treaty of Dancing Rabbit Creek the government of the United States directed an Agent in the state of Mississippi to register the names of such Choctaws as might desire to remain there and become citizens of the states and take land. The records of the government show that this Agent failed to register and report to the government the names of many Indians who did in fact let him know that they wanted to stay there and become citizens of the states and take land, and on this account the government at its public land sales in the state of Mississippi in many instances sold land upon which Choctaws lived and had improvements and which they supposed they would receive from the government under the fourteenth article of the treaty. This caused a great deal of complaint among the Indians and the matter was finally brought to the attention of Congress and Congress passed certain acts between the years 1837 and 1842, providing for the appointment of Commissioners to go down to Mississippi and hear the cases of Choctaws who claimed that they had complied in all respects with the provisions of the fourteenth article of the treaty of Dancing Rabbit Creek but that their lands had been sold by the government. These Commissioners were duly appointed by the President of the United States and they proceeded to Mississippi and heard a great many of these Choctaw cases.

- Q Did any of your ancestors appear before any of these Commissioners and attempt to establish their rights under the fourteenth article of the treaty of Dancing Rabbit Creek? A No sir, I don't know.

The act of Congress approved on the 23rd day of August 1842, provided that in case it should be finally decided that a Choctaw had complied in all respects with the provisions of the fourteenth article of the treaty of Dancing Rabbit Creek

but that his land had been sold by the government, he should be entitled to select in place of the land so sold by the government, land some place else in Mississippi or Alabama or Louisiana or Arkansas, to be taken from vacant government land, and should be given a certificate to that effect. These certificates were called scrip.

- Q Did any of your ancestors get any of this scrip from the government under this act of Congress? A No sir.
- Q So far as you knew then, none of your Choctaw ancestors ever received any benefits whatever as Choctaw Indians? A Don't think they ever did; if they did I never have heard anything of it. I remember hearing a man talk of buying up scrip; I knew the man that bought that scrip.
- Q You remember that, but don't remember of any of your people doing that? A No sir, I know some men that bought this scrip and went over and entered the land.
- Q Do you know of any old persons living who would likely know that your ancestors complied or attempted to comply with the provisions of this fourteenth article of the treaty of Dancing Rabbit Creek or ever received any benefits thereunder? A Not that I know of.
- Q Do you know of any written evidence of any description which would prove or tend to prove any such a state of facts?
- A I do not.
- Q Have you any written evidence to offer in support of your application at this time? A No sir.
- Q Have you any witnesses to testify to-day in your behalf?
- A I have no special witnesses here, only I have a sister here that can testify to the fact that I was living with my wife and we was lawfully married.
- Q Well her testimony will be taken in support of the application which will be made by your daughter to-day? A Yes sir.
- Q Is there any further statement you want to make at this time in support of your application; anything further you want to say?
- A Well sir, I think I am entitled to a claim in the Choctaw Nation.
- Q Now, have you any children dead? A I have four dead.
- Q Did any of them leave children? A Yes sir, one.
- Q One left children? A One.
- Q What was that child's name? A My child?
- Q Yes sir? A Adline; named after her Ma.
- Q Adline what? A Jebe, married a Jebe.
- Q What is the name of her child who is living? A Clifton Jebe.
- Q How old is the child now? A He was borned in February, '94.
- Q With whom does this child live? A Lives with Jebe.
- Q What is his father's name? A John Jebe.
- Q Has any application ever been made in behalf of this child?
- A No sir.
- Q Where does he live? A In Louisiana--New Orleans.
- Q How many brothers have you living, if any? A One.
- Q What is his name? A Jacob J. Graham.
- Q Has he been before the Commission? A No sir, not that I ever heard of.
- Q Have you any brothers dead? A No sir.

#6.

Q How many sisters have you living? A I have eight.
Q What are their names; now I want their married names?
A The married names?
Q Yes sir, in each instance give me the married name? A Jane
West is the eldest.
Q Has she been before the Commission? A No sir.
Q Next one? A Mary Gacy.
Q Next one? A Martha West.
Q Next one? A Emily.
Q Emily what? A Conaway.
Q Next one? A Almarinda Hudspeth.
Q That's five now; what is the next one? A Julia.
Q Julia what? A She's never been married; she's single.
Q Julia Grisham? A Yes sir.
Q Next one? A Caroline Jordan.
Q Next one? A Well, that's Sallie Jordan.
Q Sallie Jordan is the next one? A Yes sir.
Q That's them? A Yes sir, that's all of them.
Q Have any of them been before the Commission? A No sir.
Q Are any of them here to-day? A Yes sir, Mrs. Conaway.
Q Have you any sisters dead? A No sir.
Q There was ten of us children and they are all living.

By S. Heard, attorney:

Q How long did you say you lived in Tippah County, Mississippi?
A All my life until '92, I came to Texas.

By the Commission:

This applicant has the appearance of being a white man; shows no indications of being possessed of Indian blood; has dark complexion; gray eyes; gray hair; doesn't speak or understand the Choctaw language and has no knowledge of the compliance on the part of any of his ancestors with any of the provisions of the fourteenth article of the treaty of Dancing Rabbit Creek.

Albert G. McMillan, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he reported the proceedings had in the above entitled cause on the 24th day of June, 1902, and that the above and foregoing is a full, true and correct transcript of his stenographic notes taken in said cause on said date.

Subscribed and sworn to before me this 14th day of July, 1902.

Guy L. V. Emerson
Notary Public.

C.W.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application of William T. Grisham, et al.,
for identification as Mississippi Choctaws, consolidating the ap-
plications of:

| | |
|------------------------------|--------------|
| William T. Grisham, | M.C.R. 5862 |
| Mattie Wilson, et al., | M.C.R. 5864 |
| Emily Conaway, | M.C.R. 5863 |
| William J. Conaway, et al., | M.C.R. 5865 |
| Franklin A. Conaway, et al., | M.C.R. 5866. |

--- D E C I S I O N ---

It appears from the record herein that applications for
identification as Mississippi Choctaws were made to this Commission
by William T. Grisham for himself; by Mattie Wilson for herself and
her minor child, Elsie May Wilson; by Emily Conaway for herself; by
William J. Conaway for himself and his five minor children, James,
Eugene, Frank, Thomas L., Annie Leila and Sallie A. Conaway, and by
Franklin A. Conaway for himself and his two minor children, Emma and
James H. Conaway, under the following provision of the act of Con-
gress approved June 28, 1890 (30 Stat., 495):

"Said Commission shall have authority to determine the
identity of Choctaw Indians claiming rights in the Choctaw
lands under article fourteen of the treaty between the United
States and the Choctaw Nation, concluded September twenty-
seventh, eighteen hundred and thirty, and to that end may ad-
minister oaths, examine witnesses, and perform all other acts
necessary thereto and make report to the Secretary of the
Interior."

It also appears that all of said applicants claim rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, by reason of being descendants of Mary Jane Autry (or Welch, or Cook), who is alleged to have been an one-half blood Choctaw Indian, and Thursa Grisham (nee Autry, or Welch, or Cook), who is alleged to have been possessed of Choctaw blood (degree thereof not stated), and to have resided in Mississippi in eighteen hundred and thirty.


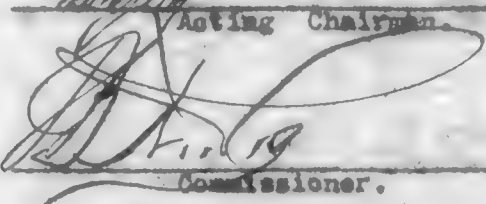
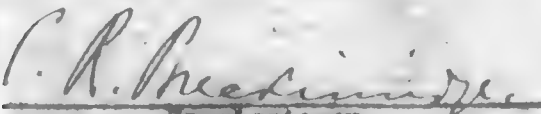
It further appears from the evidence submitted in support of said applications and from the records in the possession of the Commission that none of said applicants has ever been enrolled by the Choctaw tribal authorities as a member of the Choctaw Tribe, or admitted to Choctaw citizenship by a duly constituted court or committee of the Choctaw Nation, or by the Commission to the Five Civilized Tribes, or by a decree of the United States Court in Indian Territory, under the provisions of the act of Congress approved June 10, 1896 (29 Stats., 321).

It does not appear from the testimony and evidence offered in support of said applications, or from the records in the possession of the Commission relating to persons who complied or attempted to comply with the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and to persons who heretofore were claimants thereunder, that the said Mary Jane Autry (or Welch, or Cook), or Thursa Grisham (nee Autry, or Welch, or Cook), signified (as person or by proxy) to Colonel Wm. Ward, Indian Agent, Choctaw Agency, an intention to comply with the provisions of said article fourteen or presented a claim to rights thereunder to either of the Commissioners authorized to adjudicate such claims by the acts of Congress approved March 3, 1887 (5 Stats., 180) and

August 23, 1842 (5 Stats., 813).

It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of William T. Grisham, Mattie Wilson, Elsie May Wilson, Emily Conaway, William J. Conaway, James Eugene Conaway, Frank Conaway, Thomas L. Conaway, Annie Leila Conaway, Sallie A. Conaway, Franklin A. Conaway, Emma Conaway and James H. Conaway as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the applications for their identification as such should be refused, and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.


Acting Chairman.

Commissioner.

Commissioner.

Muskogee, Indian Territory,

OCT 14 1902

COPY.

M.C.R. 5862

Muskogee, Indian Territory, October 14, 1902.

William T. Grisham,
Ennis, Texas.

Dear Sir:-

You are hereby advised that on the 14th day of October, 1902, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of William T. Grisham, et al., embracing the following applications for identification as Mississippi Choctaws:

| | |
|------------------------------|-------------|
| William T. Grisham, | M.C.R. 5862 |
| Mattie Wilson, et al., | M.C.R. 5864 |
| Emily Conaway, | M.C.R. 5863 |
| William J. Conaway, et al., | M.C.R. 5865 |
| Franklin A. Conaway, et al., | M.C.R. 5866 |

These applications were made under the provision of the act of Congress of June 26, 1898 (30 Stats. 495) which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto and make report to the Secretary of the Interior."

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of William T. Grisham, Mattie Wilson, Elsie May Wilson, Emily

William T. Graham-----2

Conaway, William J. Conaway, James Eugene Conaway, Frank Conaway, Thomas L. Conaway, Annie Leila Conaway, Sallie A. Conaway, Franklin A. Conaway, Emma Conaway and James F. Conaway as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the applications for their identification as such should be refused, and it is so ordered."

You are further advised that you will be allowed fifteen days from the date hereof within which to file arguments in this office, and that at the expiration of said time the papers in the case, together with such arguments, will be forwarded for review to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,
(SIGNED).

S. E. Medico.

Commissioner in Charge

Respectfully,

Muskogee, Indian Territory, October 14, 1902.

E. Heard,

Attorney at Law,

Muskogee, Indian Territory.

Dear Sir:-

You are hereby advised that on the 14th day of October, 1902, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of William T. Grisham, et al., embracing the following applications for identification as Mississippi Choctaws:

| | |
|------------------------------|-------------|
| William T. Grisham, | M.C.R. 5862 |
| Mattie Wilson, et al., | M.C.R. 5864 |
| Billy Conaway, | M.C.R. 5863 |
| William J. Conaway, et al., | M.C.R. 5865 |
| Franklin A. Conaway, et al., | M.C.R. 5866 |

These applications were made under the provision of the act of Congress of June 28, 1898 (30 Stats. 495) which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto and make report to the Secretary of the Interior."

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of

B. Heard-----2

William T. Grisham, Mattie Wilson, Elsie May Wilson, Emily Conaway, William J. Conaway, James Eugene Conaway, Frank Conaway, Thomas L. Conaway, Annie Leila Conaway, Sallie A. Conaway, Franklin A. Conaway, Emma Conaway and James H. Conaway as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the applications for their identification as such should be refused, and it is so ordered."

You are further advised that the applicants in this case have been allowed fifteen days from the date hereof within which to file arguments in this case, and that at the expiration of said time the papers in the case, together with such arguments, will be forwarded for review to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

Commissioner in Charge

Registered.

Muskogee, Indian Territory, October 14, 1902.

Messrs. Mansfield, McMurray & Cornish,

Attorneys for Choctaw and Chickasaw Nations,

South McAlester, Indian Territory.

Gentlemen:-

You are hereby advised that on the 14th day of October, 1902, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of William T. Grisham, et al., embracing the following applications for identification as Mississippi Choctaws:

| | |
|------------------------------|-------------|
| William T. Grisham, | M.C.R. 5862 |
| Mattie Wilson, et al., | M.C.R. 5864 |
| Emily Conaway, | M.C.R. 5863 |
| William J. Conaway, et al., | M.C.R. 5865 |
| Franklin A. Conaway, et al., | M.C.R. 5866 |

These applications were made under the provision of the act of Congress of June 28, 1898 (30 Stats. 495) which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto and make report to the Secretary of the Interior."

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of William T. Grisham, Mattie Wilson, Elsie May Wilson, Emily

M. McM & C.----- ---2

Conaway, William J. Conaway, James Eugene Conaway, Frank Conaway, Thomas L. Conaway, Annie Leila Conaway, Sallie A. Conaway, Franklin A. Conaway, Emma Conaway and James F. Conaway as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the applications for their identification as such should be refused, and it is so ordered."

You are further advised that the applicants in this case have been allowed fifteen days from the date hereof within which to file arguments in this office, and that at the expiration of said time the papers in the case, together with such arguments, will be forwarded for review to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

Commissioner in Charge

M.C.R. 5862

Muskogee, Indian Territory, October 30, 1902.

The Honorable,

The Secretary of the Interior.

Sir:

There is transmitted herewith the record in the consolidated case of William T. Grisham, et al., applicants to the Commission for identification as Mississippi Choctaws, including the decision of the Commission of October 14, 1902.

The above consolidated case embraces the following original applications for identification as Mississippi Choctaws heard by the Commission:

| | |
|------------------------------|-------------|
| William T. Grisham, | M.C.R. 5862 |
| Mattie Wilson, et al., | " 5864 |
| Emily Conaway, | " 5863 |
| William J. Conaway, et al., | " 5865 |
| Franklin A. Conaway, et al., | " 5866 |

The Commission has the honor to report that the principal applicants in the several separate applications, their attorney of record and the attorneys for the Choctaw and Chickasaw Nations have been duly advised by letter of the action of the Commission, copies of said letters being attached to the record.

Respectfully,

(SIGNED)

Tame Dancy.

Acting Chairman.

Through the
Commissioner of Indian Affairs.

Enc. M.C.R. 5862.

C O P Y.

Land
65,293-1902.

Department of the Interior,

Office of Indian Affairs,

Washington, Nov. 14, 1902.

The Honorable,

The Secretary of the Interior.

Sir:

I have the honor to submit herewith for departmental consideration, the record of the Commission to the Five Civilized Tribes in the matter of the consolidated Mississippi Choctaw case of William T. Grisham, Mattie Wilson, et al., Emily Conaway, William J. Conaway, et al., Franklin A. Conaway, et al., wherein a decision adverse to the applicants was rendered by the commission on October 14, 1902.

The evidence in this case shows that the parties base their claims for identification as Mississippi Choctaws on their descent from Mary Jane Welch, as given by certain witnesses, or Mary Jane Cook, as given by another witness, through Thursa Grisham, her daughter, who was born in 1813 and married in 1829 or 1830.

The evidence is not particularly clear as to the exact date of the marriage of Thursa Grisham, but in any event the records of this office have been examined with reference to Mary Jane Welch, Mary Jane Cook, Thursa Welch, Thursa Cook and Thursa Grisham and none of these names appear among those Choctaw Indians who complied or attempted to comply with the provisions of the 14th article of the Choctaw treaty of 1830. These being the facts, I am led to conclude that the decision of the commission was correct. I therefore recommend that the following parties be rejected for identification

---2---

in this case: William T. Grisham; Mattie Wilson and her minor child Elsie May Wilson; Emily Conaway; William J. Conaway and her five minor children, James Eugene, Frank, Thomas L., Annie Leila and Sallie A. Conaway and Franklin A. Conaway and his two minor children Annie and James H. Conaway.

Very respectfully,

Your obedient servant,

W.A. Jones,

Commissioner.

(E.B.H.)

P.

D.C. 22732

COPY

BAF.

DEPARTMENT OF THE INTERIOR.

ITD. 7105-1902.

WASHINGTON.

November 22, 1902.

IRS.

Commissioner to the Five Civilized Tribes,
Muskogee, I.T.

Gentlemen:

October 30, 1902, you transmitted the consolidated case involving the applications for identification as Mississippi Choctaws, of William T. Grisham; of Mattie and Elsie May Wilson; of Emily Conaway; of William J., James Eugene, Frank, Thomas L., Annie Leila and Sallie A. Conaway; and of Franklin A., Emma and James H. Conaway.

The applicants endeavor to trace their descent from one Mary Jane Autry (or Welch or Cook), alleged to have been a half blood Choctaw Indian, and from one Thurza Grisham (nee Autry, or Welch or Cook), who is said to have been possessed of some Choctaw blood and to have resided in Mississippi in 1830.

The record fails to show that any one of the applicants was ever admitted or enrolled as a citizen of the Choctaw Nation, or that said Mary Jane Autry or said Thurza Grisham complied or attempted to comply with article XIV of the treaty of September 27, 1830, or with either of the acts of March 3, 1837 (5 Stat., 180 and August 23, 1842 (5 Stat., 513). You refused the applications October 14, 1902.

Forwarding the papers November 14, the Commissioner of Indian Affairs recommends approval of your decision. A copy

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A copy of his letter is inclosed herewith. The Department has carefully reviewed the entire record and hereby affirms your decision.

Respectfully,

Thos. Ryan,

Acting Secretary.

1 inclosure.

M.C.R. 5802.

Muskogee, Indian Territory, December 5, 1902.

William T. Grisham,

Ennis, Texas.

Dear Sir:

You are hereby notified that on the 22nd day of November, 1902, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of William T. Grisham, et al., of which decision you were advised by registered mail on the 14th day of October, 1902.

Respectfully,

U.C.R. 5802.

Muskogee, Indian Territory, December 5, 1902.

Ansfield, McMurray & Cornish,

Attorneys for the Choctaw and Chickasaw Nations,

South McAlester, Indian Territory.

Gentlemen:

You are hereby notified that on the 22nd day of November, 1902, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippian Choctaws of the several persons included in the consolidated case of William T. Graham, et al., of which decision you were advised by mail on the 14th day of October, 1902.

Respectfully,

Acting Chairman.

A.C. 300.

Indian Territory, December 5, 1902.

S. Board, Attorney at Law,

Muskogee, Indian Territory.

Dear Sir:

You are hereby notified that on the 22nd day of November, 1902, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippian Chactaws of the several persons included in the consolidated case of William T. Grisham, et al., of which decision you were advised by registered mail on the 14th day of October, 1902.

Respectfully,

SIGNED

Acting Chairman.

REFER TO M.C.R. 5862

William T. Graham et al

Consolidated Return

NAME RESIDENCE COUNTY POST OFFICE Age Sex Blood Year County No. NAME OF PAT

TRIBAL ENROLLMENT

CHOCTAW NA

Mary Jane Welch, 72
married
Jacob Autry (or Cook)

Thurza Autry (or Cook)
married
James Austin Grisham
Dead

met
5862

William J. Grisham 65, 7
wife
Addie Grisham, dead

met
5863

Emily Grisham 62, 16
married

James Conaway

Jacob J. Grisham
Jane Grisham
married
West

Mary Grisham
married
Casy

Martha Grisham
married
West

Almarinda Grisham
married
Andapeth

Julia Grisham
Sallie Grisham
married Jordan

Addie Grisham, dead
married
John Jobe

Alexander Newton Grisham
met
Mattie Grisham 26, 16
married
Albert W. Wilson

met
5865

William J. Conaway 30, 16
wife
Leila Conaway

met
5866

Franklin A. Conaway 1, 28
wife
Lottie Conaway

Clifton Lake 8.

Esai May Wilson, 14 mo.

met
5867 James Eugene Conaway 9
Frank Conaway 7
Thomas L. Conaway 5
Annie Leila Conaway 2
Sallie A. Conaway 6 mo.

met
5868 Emma Conaway 5
James H. Conaway 1

" No. 5862

For Identification as a Mississippi Choctaw.

Date JUL 21 1902

Name William T. Grisham

Age 65 Blood 1/8

Post-Office, Ennis, Texas.

Father, James Austin Grisham d

Mother Thurga " d

Claims through mother
wife Adeline Grisham d
no Choctaw blood.

Children

For Ennis

Stenographer

W. L. McMullan

Choctaw MCR 5863

Emily Conway

See MCR 5862

MCR 5863

Department of the Interior.
Commission to the Five Civilized Tribes.
Muskogee, I. T., June 24th, 1902.

#8863

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In the matter of the application of Emily Conaway for the identification of herself as a Mississippi Choctaw.

S. Heard attorney for applicant.

Emily Conaway, being first duly sworn, testified as follows:

Examination by the Commission:

- Q What is your name? A Emily Conaway.
Q How old are you Mrs. Conaway? A Sixty-two.
Q How much Choctaw blood do you claim to have? A One-eighth.
Q What is your post office address? A It's Massey now.
Q What state? A Texas.
Q Massey, Texas? A Yes sir.
Q How long have you lived in the state of Texas? A We came here I think in the fall of '88.
Q Where did you live before that? A Mississippi.
Q What county? A Tippah County until the counties was cut up, and we then fell in a new county--Benton.
Q You lived in Mississippi all your life until you moved to Texas in 1888? A Yes sir, I think it was 1888 when we came to Texas.
Q Is your father living? A No sir.
Q What was his name? A Grisham.
Q Full name? A James Austin Grisham.
Q Is your mother living? A No sir.
Q What was her name? A Thursa.
Q Through which one of your parents do you get your Choctaw blood? A Mother.
Q How old would she be if she were living now? A She was born in 1813.
Q Where was she born? A In Mississippi I think.
Q She lived in Mississippi all her life? A I think so; well she lived I think too in Alabama a while.
Q In what part of Alabama? A I don't know, but I think she lived there a while maybe in Alabama.
Q Through which one of her parents did she get her Choctaw blood? A Her mother.
Q What was her mother's name? A Cook.
Q What was her full name? A Elizabeth Jane Cook.

#2.

- Q How was it Elizabeth Jane or Mary Jane? A Mary Jane; my oldest sister's name is Elizabeth.
- Q How are you sure your mother's mother's name was Mary Jane Cook-her maiden name? A I think it was; I am satisfied it was.
- Q Did you ever see her? A No sir, never did.
- Q Where was she born? A I couldn't answer that question.
- Q Do you know where she was born? A No sir.
- Q Do you know where she lived during the greater part of her life? A Mississippi and Alabama. I have heard my father and mother speak about them; that's all I can tell.
- Q She have a Choctaw name? A I think so; I wouldn't be positive about it.
- Q Do you know what her Choctaw name was? A I don't believe I know.
- Q Through which one of her parents did she get her Choctaw blood? A From her great-grandmother; I think it was from her mother.
- Q You don't know what her name was do you? A No sir.
- Q Were any of your Choctaw ancestors ever residents of the Choctaw Nation, Indian Territory? A Not that I know of.
- Q Were any of them ever recognized members of the Choctaw tribe of Indians? A Not that I know of.
- Q None of them were ever admitted to citizenship in the tribe? A No sir, I think not.
- Q Have you ever been admitted or enrolled as a member of the Choctaw tribe of Indians by the tribal authorities? A No sir.
- Q Never have lived in the Nation at all? A No sir.
- Q Are you married? A Yes sir.
- Q Husband living? A No sir.
- Q What was his name? A James Cogsway.
- Q He had no Choctaw blood? A No sir.
- Q Have you any children living? A Two.
- Q Are they of age? A Yes sir, that's these two boys here; only children I have living.
- Q What are their names? A William James and Franklin A.
- Q They are here to-day for the purpose of applying as Mississippi Choctaws? A Yes sir.
- Q Have you any children dead? A Have three.
- Q Did any of them leave children? A No sir, they died infants.
- Q This application then is for yourself only is it? A Yes sir.
- Q Have you ever made any application of any description to the tribal authorities to be admitted or enrolled as a member of the Choctaw tribe? A No sir.
- Q Did you or any one for you in the year 1896, make application to the Commission to the Five Civilized Tribes for citizenship in the Choctaw Nation under the act of Congress of June 10, 1896? A No sir.
- Q Have you ever been admitted to citizenship in the Choctaw Nation by the Commission to the Five Civilized Tribes, the Choctaw tribal authorities or the United States Court for the Indian Territory? A No sir.
- Q You have never been recognized in any manner as a citizen of the Choctaw Nation? A Not that I know of.
- Q You appear before the Commission at this time for the purpose of claiming rights in the Choctaw lands in Indian Territory, under the provisions of the fourteenth article of the treaty of Dancing Rabbit Creek? A Yes sir.

The treaty of Dancing Rabbit Creek was entered into in Mississippi on the 27th day of September, 1830, between the government of the United States and the Choctaw tribe of Indians. At the time the treaty was made the Choctaws lived in the state of Mississippi and along the western edge of the state of Alabama. The object of the treaty was to get these Indians to move from the old Nation back in Mississippi and Alabama, to the new country west of the Mississippi river, part of which is now occupied by the greater portion of the Choctaw tribe of Indians and is commonly known as the Choctaw Nation, Indian Territory. At the time the treaty was made some of the Indians were unwilling to leave the old Nation and for the benefit of those who preferred to remain there, what is known as the fourteenth article was put into the treaty. That fourteenth article provided that upon certain conditions a Choctaw who preferred to remain there in the old Nation and not move out west to the new country, might receive land there from the government. It is as follows:

"Each Choctaw head of a family being desirous to remain and become a citizen of the states shall be permitted to do so, by signifying his intention to the Agent within six months from the ratification of this treaty, and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land, to be bounded by sectional lines of survey; in like manner shall be entitled to one half that quantity for each unmarried child which is living with him over ten years of age; and a quarter section to such child as may be under ten years of age, to adjoin the location of the parent. If they reside upon said lands intending to become citizens of the states for five years after the ratification of this treaty, in that case, a grant in fee simple shall issue; said reservation shall include the present improvement of the head of the family, or a portion of it. Persons who claim under this article shall not lose the privilege of a Choctaw citizen but if they ever remove are not entitled to any portion of the Choctaw annuity."

- Q You understand that fourteenth article do you not? A Yes sir.
- Q Did any of your Choctaw ancestors ever comply or attempt to comply with its provisions or receive any benefits under that article to your knowledge? A Not that I know of.
- Q Did any of them own an improvement in what constituted the old Choctaw nation in Mississippi or Alabama in the year 1830 when this treaty was made; that was seventy-two years ago; did any of them own an improvement there then? A Not that I know of.
- Q Did any of them live there at that time? A I 'spect I had people there; I can't recollect that far back.
- Q You don't know whether any of them lived there in 1830 or not? A No sir.
- Q Did any of them remove to the present Choctaw Nation, Indian Territory, at the time of the removal of the greater portion of the Choctaw tribe of Indians between the years 1833 and 1836? A Not that I know of.

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- Q Did any of them, within six months after the treaty of Dancing Rabbit Creek was ratified, let the Agent of the government in Mississippi for the Choctaws know that they wanted to stay there, become citizens of the states and take land? A Not that I know of.
- Q Did you ever hear of any of your people ever having gotten any land in Mississippi from the government under this fourteenth article? A No sir, I cant tell you.
- Q Well you never heard of any of them having gotten any land there in Mississippi from the government did you? A From the government?
- Q Yes? A I think they might have----settling up of the country, but I couldn't tell you.
- Q Where did they get land in Mississippi? A There in Tippah county.
- Q Do you know how they came to get that land? A I think they bought it.
- Q You never heard of the government having given them any under this treaty provision? A No sir.
- Q Well if they had got any land from the government under this article of this treaty, you would have heard of it? A Yes sir.

In accordance with the provisions of this fourteenth article of the treaty of Dancing Rabbit Creek the government of the United States directed an Agent in Mississippi to register the names of such Choctaws as might desire to remain there and become citizens of the states and take land. The records of the government show that this Agent failed to register and report to the government the names of many Choctaws who did in fact let him know that they wanted to stay there, become citizens of the states and take land, and on that account the government at its public land sales in Mississippi in many instances sold land upon which Choctaws lived and had improvements and which they supposed they would receive under the fourteenth article of the treaty. This caused a great deal of complaint among the Indians and the matter was finally brought to the attention of Congress and Congress passed certain acts between the years 1837 and 1842, providing for the appointment of Commissioners to proceed to Mississippi and hear the cases of Choctaws who claimed that they had complied in all respects with the provisions of the fourteenth article of the treaty of Dancing Rabbit Creek but that their land had been sold by the government. These Commissioners were duly appointed by the President of the United States and they went down to Mississippi and heard a great many of these Choctaw cases.

- Q Do you know whether any of your ancestors ever appeared before any of these Commissioners and attempted to establish their rights under article fourteen of the treaty of Dancing Rabbit Creek? A No sir, I don't know that I do.
- Q Did you ever hear of any of your ancestors ever having gone before any of these Commissioners? A No sir.

The act of Congress approved on the 23rd day of August, 1842, provided that in case it should be finally decided

that a Choctaw had complied in all respects with the provisions of the fourteenth article of the treaty of Dancing Rabbit Creek but that his land had been sold by the government he should be entitled to select in place of the land so sold by the government, land some place else in Mississippi or Alabama, Louisiana or Arkansas, from vacant government land, and should be given a certificate to that effect. These certificates were called scrip.

- Q Did any of your ancestors ever receive any of this scrip from the government of the United States under this act of Congress?
 A Not that I could tell you.
 Q So far as you know then, none of your ancestors ever received any benefits whatever as Choctaw Indians? A No sir.
 Q Do you know of any old persons living who would likely know whether any of your ancestors ever complied or attempted to comply with the provisions of article fourteen of the treaty of Dancing Rabbit Creek or ever received any benefits thereunder?
 A I don't know of any very old people living back there except my own family.
 Q Well do you think any of them are old enough to know anything about that? A I don't know whether they would know about it or not.
 Q Do you know of any written evidence which would prove or tend to prove such a state of facts? A No sir.
 Q Have you any written evidence to offer at this time in support of your application? A No sir.
 Q Have you any witnesses here to-day to testify in your behalf?
 A Only just my brother and my boys.
 Q Well they are here for the purpose of making application are they not? A Yes sir.
 Q By your brother you mean William T. Grisham? A Yes sir.

If you should find any witnesses whose testimony you desire to have taken before the Commission, they may appear before us here at Muskogee within ten days from this date and their testimony will be taken. If you should see fit to offer any written evidence in support of this application, such evidence as may be offered within ten days from this date will be considered in connection with your application.

- Q Are there any further statements you want to make in support of your application? A No sir, I don't know that there is.
 Q Do you speak the Choctaw language? A No sir, I can't; my mother could all right enough, but I can't.
 Q How many brothers have you living? A Two.
 Q What is the name of your other brother--your youngest brother?
 A Jacob J.
 Q How many sisters have you living? A Seven.

See M C R 5862, William T. Grisham, brother of the applicant.

The applicant has the appearance of being a white woman; she has no indications of being possessed of Indian blood, although she has dark hair, dark complexion, dark gray

#3.

eyes; she doesn't speak or understand the Choctaw language and has no knowledge of the compliance on the part of her ancestors with the provisions of the fourteenth article of the treaty of Dancing Rabbit Creek.

Albert G. McMillan, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes he reported the proceedings had in the above entitled cause on the 24th day of June, 1902, and that the above and foregoing is a full, true and correct transcript of his stenographic notes taken in said cause on said date.

Albert G. McMillan

Subscribed and sworn to before me this 14th day of July, 1902.

Guy L. V. Emerson
Notary Public.

M.C.R. 5863

Muskogee, Indian Territory, October 14, 1902

Emily Conaway,

Massey, Texas

Dear Madam:-

You are hereby advised that on the 14th day of October, 1902, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of William T. Grisham, et al., embracing the following applications for identification as Mississippi Choctaws:

| | |
|------------------------------|-------------|
| William T. Grisham, | M.C.R. 5862 |
| Mattie Wilson, et al., | M.C.R. 5864 |
| Emily Conaway, | M.C.R. 5865 |
| William J. Conaway, et al., | M.C.R. 5865 |
| Franklin A. Conaway, et al., | M.C.R. 5866 |

These applications were made under the provision of the act of Congress of June 28, 1898(30 Stats. 495) which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto and make report to the Secretary of the Interior."

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of William T. Grisham, Mattie Wilson, Elsie May Wilson, Emily Conaway, William J. Conaway, James Eugene Conaway, Frank

Emily Conaway-----8

Conaway, Thomas L. Conaway, Annie Leila Conaway, Ballie A. Conaway, Franklin A. Conaway, Emma Conaway and James H. Conaway as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the applications for their identification as such should be refused, and it is so ordered."

You are further advised that you will be allowed fifteen days from the date hereof within which to file arguments in this office, and that at the expiration of said time the papers in the case, together with such arguments, will be forwarded for review to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

(SIGNED).

E. C. [Signature]

Commissioner in Charge

Registered.

L.C.D. 583.

Muskogee, Indian Territory, December 5, 1903.

Faily Conaway,

Massey, Texas.

Dear Madam:

You are hereby notified that on the 22nd day of November, 1903, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of William I. Grisham, et al., of which decision you were advised by registered mail on the 14th day of October, 1903.

Respectfully,

Acting Commissioner

No. 5863

For Identification as a Mississippi Choctaw.

Date JUN 21 1902

Name Emily Conway

Age 62 Blood $\frac{1}{8}$

Post-Office. Massey, Texas

Father James A. Gisham d

Mother Thirza " d

Claims through Mother
Husband James Conway d
No Choctaw blood.

Children

For

Stenographer

W. G. McMillan

Choctaw MCR 5864

Mattie Wilson

See MCR 5862

MCR 5864

M C R 5864

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, Indian Territory, June 24, 1902.

In the matter of the application of Mattie Wilson for the identification of herself and her minor child, Elsie May Wilson, as Mississippi Choctaw.

Mattie Wilson, having been first duly sworn, upon her oath testified as follows:

Examination by the Commission.

- Q What is your name? A Mattie Wilson.
Q How old are you? A Twenty-six.
Q How much Choctaw blood have you? A One-sixteenth - claim one-sixteenth.
Q What's your post office address? A Eunice, Texas.
Q How long have you lived in Texas? A Since '92.
Q Where did you live before that? A Mississippi.
Q How long? A All my life.
Q What county? A Benton County, it is called now.
Q Is your father living? A Yes, sir.
Q What is his name? A William T. Grisham.
Q Is your mother living? A No, sir.
Q What was her name? A Adeline Grisham.
Q Through which one of your parents do you derive your Choctaw blood? A My father.
Q Is the William T. Grisham who appeared before the Commission here this morning your father? A Yes, sir.

(See M. C. R. 5862.)

- Q Was your father born in Mississippi? A Yes, sir.
Q Lived there until 1892, did he? A Yes, sir.
Q Through which one of his parents did he get his Choctaw blood?
A Through his mother.
Q What was her name? A His mother's name?
Q Yes? A Thursa Grisham.
Q Has your father ever been recognized in any manner or enrolled as a member of the Choctaw tribe of Indians in Indian Territory?
A No, sir.
Q Have you? A No, sir.
Q Are you married? A Yes, sir.
Q Husband living? A Yes, sir.
Q What's his name? A A. W. Wilson.
Q What's that "A" for? A Albert.

Wattie Wilson, et al., 2.

- Q Has he any Choctaw blood? A No, sir.
Q You make no claim for him? A No, sir.
Q Have you any children? A One.
Q What's that child's name? A Elsie May Wilson.
Q How old? A Fourteen months.
Q This application, then, is for yourself -- A Yes.
Q And one minor child? A Yes, sir.
Q Is Elsie May the daughter of yourself and Albert Wilson? A Yes, sir.
Q Have you ever been admitted to citizenship in the Choctaw Nation by the Choctaw tribal authorities in Indian Territory? A No, sir.
Q You never made any application of any kind to them, did you? A No, sir.
Q Did you, in the year 1896, make application to this Commission for citizenship in the Choctaw Nation under the Act of June 10, 1896?
A No, sir.
Q Is this the first application of any description that you have ever made for the purpose of establishing your rights as a Choctaw Indian? A Yes, sir.
Q You appear before the Commission at this time for the purpose of claiming rights in the Choctaw lands in Indian Territory for yourself and minor child under article fourteen of the treaty of Dancing Rabbit Creek? A Yes, sir.

This treaty of Dancing Rabbit Creek was entered into in the State of Mississippi on the 27th day of September, 1830, between the Government of the United States and the Choctaw tribe of Indians. At the time the treaty was made, the Choctaws lived in the State of Mississippi and along the western edge of the State of Alabama. The object of the treaty was to secure the removal of these Indians from the country occupied by them in Mississippi and Alabama, to a new country west of the Mississippi River, a part of which is now occupied by the greater portion of the Choctaw tribe of Indians and is commonly known as the Choctaw Nation, Indian Territory. At the time the treaty was made, some of these Indians were unwilling to leave this old nation, and for the benefit of those who wanted to stay there, what is known as the 14th article was put in the treaty. That 14th article provided that upon certain conditions a Choctaw who preferred to stay in Mississippi and not move out west to the new country might receive land in Mississippi from the Government. It is as follows:

"Each Choctaw head of a family being desirous to remain and become a citizen of the States shall be permitted to do so by signifying his intention to the agent within six months from the ratification of this treaty, and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land, to be bounded by sectional lines of survey; in like manner shall

Mattie Wilson, et al., J.

be entitled to one-half that quantity for each unmarried child which is living with him over ten years of age; and a quarter section for such child as may be under ten years of age, to adjoin the location of the parent. If they reside upon said land intending to become citizens of the States for five years after the ratification of this treaty, in that case a grant in fee simple shall issue; said reservation shall include the present improvement of the head of the family or a portion of it. Persons who claim under this article shall not lose the privilege of a Choctaw citizen, but if they ever remove are not to be entitled to any portion of the Choctaw annuity."

- Q You understand that fourteenth article, do you not? A Yes, sir.
- Q Did any of your ancestors ever comply or attempt to comply with its provisions, or ever receive any benefits thereunder? A No, sir.
- Q What is it? A No, sir.
- Q Do you know whether they did, or not? A No, sir, I don't know.
- Q Did any of them own an improvement in what constituted the old Choctaw Nation in Mississippi and Alabama, in the year 1830, when the treaty of Dancing Rabbit Creek was made, to your knowledge?
- A No, sir, I don't know.
- Q Did any of them live there at that time? A Where? In Mississippi?
- Q Well, in the old Choctaw Nation in 1830? A I don't know.
- Q Did any of them remove to the present Choctaw Nation, in Indian Territory, at the time of the removal of the greater portion of the Choctaw tribe of Indians between the years 1833 and 1838?
- A I don't know.
- Q Did any of them, within six months after the treaty of Dancing Rabbit Creek was ratified, let the agent of the Government in Mississippi for the Choctaws know that they wanted to stay in Mississippi and become citizens of the States and take land?
- A I don't know, sir.
- Q Did any of them ever claim or receive any land in Mississippi from the Government of the United States under the provisions of article 14 of the treaty of Dancing Rabbit Creek? A Not that I know of.
- Q Did you ever hear of any of your people ever having gotten any land from the Government in Mississippi? A No, sir.

In accordance with the provisions of this 14th article of the treaty of Dancing Rabbit Creek, the Government of the United States directed an agent in the State of Mississippi to register the names of such Choctaws as might desire to remain and become citizens of the States and take land. The records of the Government show that this agent failed to register and report to the Government the names of many Indians who did, in fact, let him know that they wanted to stay and become citizens of the States and take land, and on this account, the Government at its

Mattie Wilson, et al., 4.

public land sales in Mississippi, in many instances, sold land upon which Choctaws lived and had improvements, and which they supposed they would receive under the fourteenth article of the treaty. This caused a great deal of complaint among the Indians, and the matter was finally brought to the attention of Congress, and Congress passed certain acts between the years 1837 and 1842 providing for the appointment of commissioners to go down to Mississippi and hear the cases of Choctaws who claimed that they had complied in all respects with the provisions of article 14 of the treaty of Dancing Rabbit Creek, but that their land had been sold by the Government. These commissioners were duly appointed by the President of the United States, and they went down to Mississippi and heard a great many of these Choctaw cases.

Q Did any of your ancestors appear before any of these commissioners and attempt to establish their rights under the fourteenth article of the treaty of Dancing Rabbit Creek? A Not that I know of.

Q

An Act of Congress approved on the 23rd day of August 1842, provided that in case it should be finally decided that a Choctaw had complied in all respects with the provisions of the fourteenth article of the treaty of Dancing Rabbit Creek, but that his land had been sold by the Government, he should be entitled to select in the place of the land so sold by the Government, land some place else here in Mississippi, or in Alabama, Louisiana, or Arkansas, from vacant government land, and should be given a certificate to that effect. These certificates were called scrip.

Q Did any of your ancestors ever receive any of this scrip from the Government under this act of Congress? A Not that I know of.

Q So far as you knew, then, none of your ancestors ever received any benefits whatever as Choctaw Indians? A No, sir.

Q Do you know of any real old persons living who would likely know whether any of your ancestors ever complied or attempted to comply with the provisions of the fourteenth article of the treaty of Dancing Rabbit Creek? A No.

Q Do you know of any written evidence of any description which would prove or tend to prove such a state of facts? A No, sir, I do not.

Q Have you any written evidence of any description to offer at this time in support of your application? A No, sir, nothing but my license to file.

By Commission:

It will not be necessary for you to offer your marriage license in this case.

Mattie Wilson, et al., 5.

- Q Have you any other written evidence? A No, sir.
Q Have you any witnesses here today? A I have my father, mother, aunt and two cousins.
Q Well, they are all here as applicants, are they not? A Yes, sir.
Q And you want your case considered in connection with their cases do you? A Yes, sir.
Q Are there any further statements you want to make at this time in support of your application? A No, sir.
Q What relation are you to Emily Conaway? A She is my aunt.
Q Your father's sister? A Yes, sir.
Q You don't speak or understand the Choctaw language? A No, sir.

By Commission:

The applicant has the appearance of being a white woman, and shows no particular indication of being possessed of Indian blood, though she has a dark complexion, dark eyes and black hair. She does not speak or understand the Choctaw language, and has no knowledge of a compliance on the part of any of her ancestors with the provisions of the fourteenth article of the treaty of Dancing Rabbit Creek.

(Applicant excused.)

Emily Conaway, having been called and first duly sworn as a witness in behalf of the above named applicant, upon her oath testified as follows:

Examination by the Commission.

- Q What is your name? A Emily Conaway.
Q How old are you? A Sixty-two.
Q What's your post office address? A Massey, Texas.
Q Are you acquainted with Mattie Wilson, who has just appeared before the Commission? A Yes, sir.
Q What relation is she to you? A She is my niece; my brother's daughter.
Q What's her father's name? A William T. Grisham.
Q What was the name of Mattie's mother? A Adline.
Q Were you present at the marriage of William Grisham and Adline? A Yes, sir.
Q Where were they married? A In Mississippi.
Q What county? A Tippah.
Q When? A They was married in 18 -- I don't believe I can tell the year; it was 1850 something - I heard him tell it.
Q Who married them? A Brother Prescott.
Q What official position did he hold? A He was a Baptist minister.
Q Married under a license, were they? A Yes, sir.
Q Did you see the license? A Yes, sir.
Q How long have they lived together? A They lived together until she died.
Q When? A She died something about five or six years in Ellis County
Q Ellis County, Texas? A Yes, sir.

Mattie Wilson, et al., &

R. S. Streit, having been first duly sworn, upon his oath states that as stenographer to the Commission to the Five Civilized Tribes, he reported in full all proceedings had in the above entitled cause at Muskogee, Indian Territory, on the 24th day of June, 1902, and that the above and foregoing is a full, true and correct translation of his stenographic notes of said proceedings in said cause upon said date.

R S Streit
Subscribed and sworn to before me at Muskogee, Indian Territory, this 25th day of June, 1902.

Charles Mitchell Wood

Notary Public.

M.C.R. 5864

Muskogee, Indian Territory, October 14, 1902.

Mattie Wilson,

Ennis, Texas.

Dear Madam:-

You are hereby advised that on the 14th day of October, 1902, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of William T. Grisham, et al., embracing the following applications for identification as Mississippi Choctaws:

| | |
|------------------------------|-------------|
| William T. Grisham, | M.C.R. 5862 |
| Mattie Wilson, et al., | M.C.R. 5864 |
| Emily Conaway, | M.C.R. 5863 |
| William J. Conaway, et al., | M.C.R. 5865 |
| Franklin A. Conaway, et al., | M.C.R. 5866 |

These applications were made under the provision of the act of Congress of June 28, 1898 (30 Stats. 495) which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto and make report to the Secretary of the Interior."

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of William T. Grisham, Mattie Wilson, Elsie May Wilson, Emily Conaway, William J. Conaway, James Eugene Conaway, Frank

Hattie Wilson -----2

Conaway, Thomas E. Conaway, Annie Leila Conaway, Sallie A. Conaway, Franklin A. Conaway, Emma Conaway and James W. Conaway as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the applications for their identification as such should be refused, and it is so ordered."

You are further advised that you will be allowed fifteen days from the date hereof within which to file arguments in this office, and that at the expiration of said time the papers in the case, together with such arguments, will be forwarded for review to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

(SIGNED),

T. S. McAdoo.

Commissioner in Charge

Registered

.C.F. 3084.

Wickiagoo, Indian Territory, December 5, 1902.

Little Wilson,

En la, Texas.

Dear Madam:

You are hereby notified that on the 22nd day of November, 1902, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Missions Shootaws of the several persons included in the consolidated case of William T. Grisham, et al., of which decision you were advised by registered mail on the 14th day of October, 1902.

Respectfully,

Acting Chairman.

No 5864

For Identification as a Mississippi Choctaw.

Date JUN 21 1902

Name Mattie Wilson

Age 26 Blood 1/16

Post-Office Ennis Texas

Father Wm J. Gresham L

Mother Adeline d

Claims through father
husband Albert W. Wilson
no claim for husband.

Children:

Elsie May Wilson 1.

Stenographer

R. S. Strick

1st notice still und. living
10/21/02

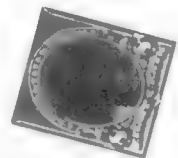
U. S. DEPT. OF THE INTERIOR
BUREAU OF INDIAN AFFAIRS
FILED

NOV 21 1902

ACTING CHAIRMAN



387
387



Department of the Interior.
Commission to the Five Civilized Tribes,
MUSKOGEE, IND. TER.

OFFICIAL BUSINESS

Penalty for private use. \$300.

RECEIVED

Walter Wilson

RETURNED TO
WRITER



Choctaw MCR 5865

William J. Conaway

See MCR 5862

MCR 5865

M C R 4065.

Department of the Interior,
Commission to the Five Civilized Tribes.
Muskogee, Indian Territory, June 24, 1902.

In the matter of the application of William J. Conaway for the identification of himself and his five minor children, James Eugene, Frank, Thomas L., Annie Leila and Sallie A. Conaway, as Mississippi Choctaws.

Appearances:

S. Heard, Attorney for Applicant.

William J. Conaway, having been first duly sworn, upon his oath testified as follows:

Examination by the Commission.

- Q What is your name? A William J. Conaway.
Q How old are you? A I will be thirty-one the 13th of July.
Q How much Choctaw blood have you? A One-sixteenth.
Q What is your post office address? A Massey, Hill County, Texas.
Q How long have you lived in the State of Texas? A Ever since '82.
Q Where did you live before that? A Born and raised in Mississippi.
Q What county? A Benton County.
Q Is your father living? A No, sir.
Q What was his name? A James C. Conaway.
Q Your mother living? A Yes, sir.
Q What's her name? A Emily Conaway.
Q Is she the Emily Conaway who appeared before the Commission here this morning? A Yes, sir.
Q Through which one of your parents do you derive your Choctaw blood? A Through my mother.
Q Through which one of her parents did she get her Choctaw blood? A From her mother.
Q What was her name? A Thursa Grisham.
Q What was her maiden name? A She was a Cook.
Q Through which one of her parents did she get her Choctaw blood? A From her mother's side.
Q What was her name? A I can't tell.
Q Don't know? A No, sir, that's too far back.
Q Were any of your ancestors ever recognized in any manner or enrolled as members of the Choctaw tribe of Indians to your knowledge? A Not that I have any knowledge of.
Q You have never been so recognized or enrolled? A No, sir, was only taught --
Q Are you married? A Yes, sir.

William J. Conaway, et al., 2.

- Q Your wife living? A Yes, sir.
Q What's her name? A Leila Conaway.
Q Has she any Choctaw blood? A No, sir.
Q You make no claim for her? A No, sir.
Q Have you any children? A Yes, sir, I have five children.
Q What are their names and ages? A James Eugene was nine years old last January.
Q Next one? A Frank, he is seven years old.
Q Next one? A T. L. Conaway.
Q What is that T for? A It stands for Thomas L. Conaway.
Q How old? A He was five years old last August.
Q Next? A Annie Leila Conaway.
Q How old? A She was two years old last January.
Q Next one? A Sallie A. Conaway. She is six months old.
Q That's all is it? A Yes, sir, that's five.
Q These children all living with you at this time? A Yes, sir.
Q Are they all the children of yourself and Leila Conaway? A Yes, sir.
Q Have you been married more than once? A No, sir.
Q Has she? A No, sir.
Q Were you married to her under a license? A Yes, sir.
Q Where? A Hillsboro, Texas.
Q When? A 16th of December, '92.
Q Have you your license with you at this time? A I have not; I failed to get them Sunday evening.

It will be necessary that you furnish evidence of your marriage to your wife, Leila, for use in connection with the application which you make in behalf of your minor children. This evidence should be furnished within ten days from this date.

- Q Were you married by a minister of the gospel? A Yes, sir.
Q Who? A Brother Hatchkiss.
Q This application is for yourself and five minor children? A Yes, sir.
Q Is your name, or the name of any one of these children, on any of the Choctaw tribal rolls in Indian Territory? A No, sir.
Q Has any application of any description ever been made for you or any of these children to the Choctaw tribal authorities to be admitted or enrolled as members of the Choctaw tribe of Indians? A No, sir.
Q Has any application of any description ever been made before today in your behalf, or in behalf of any of these children for the purpose of establishing your rights as Choctaw Indians, to the United States authorities? A No, sir.
Q This is the first application, then, of any kind you have ever made? A Yes, sir.
Q Do you appear before the Commission at this time for the purpose of claiming rights in the Choctaw lands, in Indian Territory, for yourself and five minor children, under the provisions of articles fourteen of the treaty of Dancing Rabbit Creek? A I do.

William J. Conaway, et al., 3.

This treaty of Dancing Rabbit Creek was entered into in the State of Mississippi on the 27th day of September, 1830, between the Government of the United States and the Choctaw tribe of Indians. At the time this treaty was made, the Choctaws lived in the State of Mississippi and along the western edge of the State of Alabama. The object of the treaty was to get these Indians to move from the country occupied by them in Mississippi and Alabama to a new country west of the Mississippi River, a part of which is now occupied by the greater portion of the Choctaw tribe of Indians, and is commonly known as the Choctaw Nation, Indian Territory. At the time the treaty was made, some of the Indians were unwilling to leave this country, and for the benefit of those who wanted to stay there, what is known as the 14th article was put in the treaty. That 14th article provided that upon certain conditions, a Choctaw who preferred to stay in Mississippi and not move out to the new nation, might receive land there in Mississippi from the Government. It is as follows:

"Each Choctaw head of a family being desirous to remain and become a citizen of the States shall be permitted to do so by signifying his intention to the agent within six months from the ratification of this treaty, and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land, to be bounded by sectional lines of survey; in like manner shall be entitled to one-half that quantity for each unmarried child which is living with him over ten years of age; and a quarter section for such child as may be under ten years of age, to adjoin the location of the parent. If they reside upon said land intending to become citizens of the States for five years after the ratification of this treaty, in that case a grant in fee simple shall issue; said reservation shall include the present improvement of the head of the family or a portion of it. Persons who claim under this article shall not lose the privilege of a Choctaw citizen, but if they ever remove are not to be entitled to any portion of the Choctaw annuity."

- Q You understand that 14th article, do you not? A Yes, sir.
- Q Did any of your Choctaw ancestors ever comply, or attempt to comply, with its provisions, or ever receive any benefits under that article? A Not that I have any knowledge of.
- Q Did any of them own an improvement in what constituted the old Choctaw Nation, in Mississippi and Alabama, in 1830, when the treaty was made? A Not that I know of.
- Q Did any of them live there at that time, to your knowledge?
- A No, sir.
- Q Did any of them remove to the present Choctaw Nation, in Indian Territory, at the time of the removal of the greater portion of the Choctaw tribe of Indians, between the years 1833 and 1835?
- A Not that I ever heard of.

William C. Conaway, et al., 4.

- Q Did any of them, within six months after the treaty of Dancing Rabbit Creek was ratified, let the agent of the Government in Mississippi for the Choctaws know that they wanted to stay in Mississippi and become citizens of the States and take land? A Not that I know of.
- Q Did any of them ever claim or receive any land in the State of Mississippi from the Government of the United States under the 14th article of the treaty of Dancing Rabbit Creek? A Not that I know of.
- Q Did you ever hear of any of your people ever having gotten any land in Mississippi from the Government? A No, sir.

In accordance with the provisions of this fourteenth article of the treaty of Dancing Rabbit Creek, the Government of the United States directed an agent in the State of Mississippi to register the names of such Choctaws as might desire to remain there and become citizens of the States and take land. The records of the Government show that this agent failed to register and report to the Government the names of many Choctaws who did, in fact, let him know that they wanted to stay and become citizens of the States and take land, and on this account, the Government, at its public land sales in Mississippi, in many instances, sold land upon which Choctaws lived and had improvements, and which they supposed they would receive under the 14th article of the treaty. This caused a great deal of complaint among the Indians, and the matter was finally brought to the attention of Congress, and Congress passed certain acts between the years 1837 and 1842 providing for the appointment of commissioners to go down to Mississippi and hear the cases of Choctaws who claimed that they had complied in all respects with the provisions of the 14th article of the treaty of Dancing Rabbit Creek, but that their land had been sold by the Government. These commissioners were duly appointed by the President of the United States, and they went down to Mississippi and heard a great many of these Choctaw cases.

- Q Did any of your ancestors appear before any of these commissioners and attempt to establish their rights under the 14th article of the treaty of Dancing Rabbit Creek? A Not that I ever heard of.

An act of Congress approved on the 23rd day of August, 1842, provided that in case it should be finally decided that a Choctaw had complied in all respects with the provisions of article 14 of the treaty of Dancing Rabbit Creek, but that his land had been sold by the Government, he should be entitled to select in the place of the land so sold by the Government, land some place else here in Mississippi, or in Alabama, Louisiana or Arkansas, from vacant Government land, and should be given a certificate

William M. Conaway, et al., 5.

to that effect. These certificates were called scrip.

- Q Did any of your ancestors ever get any of this scrip from the Government under this act of Congress? A Not that I know of.
- Q So far as you know, then, none of your Choctaw ancestors ever received any benefits whatever as Choctaw Indians? A No, sir.
- Q Do you know of any real old persons living who would likely know whether any of your ancestors ever complied or attempted to comply with the provisions of article 14 of the treaty of Dancing Rabbit Creek? A Nothing more than those aunts - mother can give in testimony, if you think it would help the case. I wrote for the records to be sent up to one of her nieces, and they told me they would do it, but the records have been destroyed by fire, at both of these places, Tippah and Benton Counties probably.
- Q What records do you mean? A I mean of the old ancestors; if they could trace them up to show where this matter got out, and I haven't yet received anything more than my grand mother, fourth grand mother and 9th, is all I got out of them.
- Q Do you know of any written evidence of any kind which would prove or tend to prove that any of your ancestors ever complied or attempted to comply with the provisions of this 14th article of the treaty of Dancing Rabbit Creek, or ever received any benefits thereunder? A No, sir, I do not.
- Q Have you any written evidence of any kind to offer at this time? A No, sir, nothing more than my marriage certificate when I get it.
- Q Have you any witnesses to testify in your behalf? A My uncle, William M. Grisham.
- Q They are simply here as applicants? A Yes, sir.
- Q You want your case considered with theirs? A Yes, sir.
- Q Any further statements you want to make in support of your application? A Why, if it is not out of order, your Honor, I would like leave to ask you if it would be necessary to show up the records of those other aunts of mine.
- Q Well, I don't know what you mean by showing up the records?
- A What I mean would it make the proof any more honest than what you got this morning from the two old ancestors.
- Q Well, your uncle and aunt have testified as to your ancestors. Of course, if any of your aunts or uncles should appear before the Commission within a reasonable time, of course, their applications will be consolidated with yours and you will get the benefit of their testimony.
- Q Anything further you want to ask? A No.
- Q You don't speak or understand the Choctaw language? A No, sir.

(The applicant has the appearance of being a white man and shows no particular indication of being possessed of Indian blood. He has dark hair, and eyes and dark complexion. He does not speak or understand the Choctaw language and has no knowledge of a compliance on the part of any of his ancestors with the provisions of the 14th article of the treaty of Dancing Rabbit Creek.)

William J. Genaway, et al., 6.

R. S. Streit, having been first duly sworn, upon his oath states that as stenographer to the Commission to the Five Civilized Tribes, he reported in full all proceedings had in the above entitled cause at Muskogee, Indian Territory, on the 24th day of June, 1902, and that the above and foregoing is a full, true and correct translation of his stenographic notes of said proceedings in said cause upon said date.

R. S. Streit
Subscribed and sworn to before me at Muskogee, Indian Territory this 26th day of June, 1902.

Wm. Mitchell

Notary Public.

Miss. Choct. 5865

Muskogee, Indian Territory, July 18, 1902.

William J. Conway,
Macon, Tenn.,

Dear Sir:

Receipt is hereby acknowledged of your letter, without date, enclosing certified copy of marriage license and certificate between W. J. Conway and Leila Hyting, which you offer in support of your application for the identification of yourself and your minor children as Mississippi Choctaws, and the same has been filed with the record in this case.

Yours truly,

Acting Chairman.

M.C.R. 5865

Muskogee, Indian Territory, October 14, 1902.

William J. Conaway,
Massey, Texas.

Dear Sir:-

You are hereby advised that on the 14th day of October, 1902, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of William T. Grisham, et al., embracing the following applications for identification as Mississippi Choctaws:

| | |
|------------------------------|-------------|
| William T. Grisham, | M.C.R. 5862 |
| Mattie Wilson, et al., | M.C.R. 5864 |
| Emily Conaway, | M.C.R. 5863 |
| William J. Conaway, et al., | M.C.R. 5865 |
| Franklin A. Conaway, et al., | M.C.R. 5866 |

These applications were made under the provision of the act of Congress of June 28, 1898 (30 Stats. 495) which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary to do and make report to the Secretary of the Interior."

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of William T. Grisham, Mattie Wilson, Elsie May Wilson, Emily Conaway, William J. Conaway, James Eugene Conaway, Frank

William J. Conaway-----2

Conaway, Thomas L. Conaway, Annie Leila Conaway, Sallie A. Conaway, Franklin A. Conaway, Emma Conaway and James H. Conaway as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the applications for their identification as such should be refused, and it is so ordered."

You are further advised that you will be allowed fifteen days from the date hereof within which to file arguments in this office, and that at the expiration of said time the papers in the case, together with such arguments, will be forwarded for review to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

(SIGNED),

I. S. [Signature]

Commissioner in Charge

Registered.

M.C.R. 58-5.

Muskogee, Indian Territory, December 5, 1902

William T. Graham.

Harney, Texas.

Dear Sir:

You are hereby notified that on the 23rd day of November, 1902, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of William T. Graham, et al., of which decision you were advised by registered mail on the 14th day of October, 1902.

Respectfully,

Acting Chairman.

For Identification as a Mississippi Choctaw.

Date

Name *William J. Conaway*

Age *30* Blood *1/6*

Post-Office *Massey, Texas*

Father *James R. Conaway d*

Mother *Emily " L*

Claims through *mother*

wife *Leila Conaway L*
no claim for wife.

For self and minor children

Children:

James E Conaway 9

Frank " 7

Thomas L. " 5

Annice L. " 2

Sallie A. " 6 mo

Stenographer

R. S. Street

Choctaw MCR 5866

Franklin A. Conaway

See MCR 5862

MCR 5866

N C R 5366.

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskegee, Indian Territory, June 24, 1902.

In the matter of the application of Franklin A. Conaway
for the identification of himself and his two minor children, Emma
and James H. Conaway, as Mississippi Choctaws.

Appearances:

E. Heard, Attorney for Applicant.

Franklin A. Conaway, having been first duly sworn, upon
his oath testified as follows:

Examination by the Commission.

- Q What is your name? A Franklin A. Conaway.
Q How old are you? A Twenty eight years old.
Q What's your post office address? A Menlow, Texas, Hill County.
Q How long have you lived in Texas? A Twenty years, since '82.
Q Where did you live before that? A Born in Mississippi.
Q What county? A Benton County, I suppose it is.
Q Did you live there until you moved to Texas, twenty years ago?
A Yes, sir.
Q Is your father living? A No, sir.
Q What was his name? A James C. Conaway.
Q Your mother living? A Yes, sir.
Q What's her name? A Emily Conaway.
Q Through which one of your parents do you derive your Choctaw
blood? A Mother.
Q Is the Emily Conaway who appeared before the Commission here this
morning your mother? A Yes, sir.

(See N. C. R. 5365.).

- Q Where was your mother born? A Mississippi.
Q Did she live there until 1862? A Yes, sir.
Q Through which one of her parents does she get her Choctaw blood?
A Mother.
Q What was her mother's name? A Grisham.
Q Full name? A Thursa Grisham.
Q Your grand mother? A Yes, sir.
Q Through which one of her parents did she get her Choctaw blood?
A Mother, I think.
Q What was her name? A Her name was Welch.
Q Given name? A I don't know.

Franklin A. Conaway, et al., 2.

- Q Was your mother ever recognized in any manner, or enrolled, as a member of the Choctaw tribe of Indians, by the Choctaw tribal authorities? A No, sir.
- Q And you have never been? A No, sir.
- Q Are you married? A Yes, sir.
- Q Wife living? A Yes, sir.
- Q What's her name? A Lottie.
- Q Has she any Choctaw blood? A No, sir.
- Q Make no claim for her, then? A No, sir.
- Q Ever been married more than once? A No, sir.
- Q Has she? A No, sir.
- Q Have you any children living? A Two.
- Q What are their names? And ages; the eldest first? A Emma.
- Q How old? A She's five years old.
- Q Next one? A James H.
- Q How old? A Two years old in August.
- Q These children both living with you at this time? A Yes, sir.
- Q Both the children of yourself and Lottie Conaway? A Yes, sir.
- Q Were you married to her under a license? A Yes, sir.
- Q When? A In '96.
- Q Where? A Hill County.
- Q Have you your license with you? A No, sir, I have not.
- Q Who married you? A L. L. Sams, Baptist minister.

It will be necessary for you to furnish the Commission with proper evidence of your marriage to Lottie Conaway for use in connection with the application which you make in behalf of your two minor children. This evidence should be furnished within ten days from this date.

- Q This application, then, is in behalf of yourself and two minor children? A Yes, sir.
- Q Is your name on any of the Choctaw tribal rolls in Indian Territory? A None that I know anything of.
- Q Has any application of any description ever been made to the Choctaw tribal authorities in your behalf for the purpose of establishing your rights as a Choctaw Indian? A None whatever that I know of.
- Q Did you, or any one for you, in the year 1896, make application to this Commission for citizenship in the Choctaw Nation under the act of June 10, 1896? A No, sir.
- Q You never, then, have been admitted to citizenship in the Choctaw Nation, nor have you been recognized in any manner as a citizen thereof? A No, sir.
- Q Do you appear before the Commission at this time for the purpose of claiming rights in the Choctaw lands, in Indian Territory, for yourself and two minor children under article 14 of the treaty of Dancing Rabbit Creek? A Yes, sir.

Franklin A. Conaway, et al., 3.

This treaty of Dancing Rabbit Creek was entered into in the State of Mississippi on the 27th day of September, 1830, between the United States Government and the Choctaw tribe of Indians. At the time this treaty was made, the Choctaws lived in the State of Mississippi and along the western edge of the State of Alabama. The object of the treaty was to get these Indians to move from the country occupied by them in Mississippi and Alabama to a new country west of the Mississippi River, a part of which is now occupied by the greater portion of the Choctaw tribe of Indians, and is commonly known as the Choctaw Nation, Indian Territory. At the time this treaty was made, some of these Indians were unwilling to leave the old Nation, and for the benefit of those who preferred to stay there, what is known as the fourteenth article was put in the treaty. That fourteenth article is as follows:

"Each Choctaw head of a family being desirous to remain and become a citizen of the States shall be permitted to do so by signifying his intention to the agent within six months from the ratification of this treaty, and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land to be bounded by sectional lines of survey; in like manner shall be entitled to one-half that quantity for each unmarried child which is living with him over ten years of age; and a quarter section for such child as may be under ten years of age, to adjoin the location of the parent. If they reside upon said land intending to become citizens of the States for five years after the ratification of this treaty, in that case a grant in fee simple shall issue; said reservation shall include the present improvement of the head of the family, or a portion of it. Persons who claim under this article shall not lose the privilege of a Choctaw citizen, but if they ever remove are not to be entitled to any portion of the Choctaw annuity."

- Q You understand that 14th article, do you not? A I think I do, yes, sir.
- Q Did any of your ancestors ever comply, or attempt to comply, with its provisions, or ever receive any benefits thereunder?
- A None whatever, that I know of.
- Q Did any of them own an improvement in the old Choctaw Nation, in Mississippi and Alabama, in the year 1830, when this treaty of Dancing Rabbit Creek was made? A Not that I know of; no, sir.
- Q Did any of them live there at that time, to your knowledge?
- A Why, I think so, yes, sir.
- Q Who? A My grand parents.
- Q What were their names? A Their names were Grisham.

Franklin A. Conaway, et al., 4.

- Q Well, which one of your grand parents did you say had the Choctaw blood? A My grand mother, Thursa Grisham.
- Q Where did she live in 1830? A Why, I couldn't say for sure, but I think she lived in Mississippi.
- Q Did she own an improvement there at that time, to your knowledge? A I couldn't say.
- Q You don't know what county she lived in? A No, sir; I do not. In Tippah, I suppose.
- Q Did any of your Choctaw ancestors, within six months after this treaty of Dancing Rabbit Creek was ratified, let the agent of the Government in Mississippi for the Choctaws know that they wanted to stay in Mississippi and become citizens of the States and take land? A Not that I know of.
- Q Did any of them ever claim or receive any land from the Government of the United States under the fourteenth article of the treaty of Dancing Rabbit Creek? A No, sir, none that I know of.
- Q Never heard of any of your Choctaw ancestors ever having received any benefits whatever as Choctaw Indians? A No, sir.

In accordance with the provisions of this fourteenth article of the treaty of Dancing Rabbit Creek, the Government of the United States directed an agent in the State of Mississippi to register the names of such Choctaws as might desire to remain there and become citizens of the States and take land. The records of the Government show that this agent failed to register and report to the Government the names of many Indians who did, in fact, let him know that they wanted to stay and become citizens of the States and take land, and on this account the Government at its public land sales in Mississippi, in many instances sold land upon which Choctaws lived and had improvements, and which they supposed they would receive under the fourteenth article of the treaty. This caused a great deal of complaint among the Indians, and the matter was finally brought to the attention of Congress, and Congress passed certain acts between the years 1837 and 1842, providing for the appointment of commissioners to go down to Mississippi and hear the cases of Choctaws who claimed that they had complied in all respects with the provisions of the fourteenth article of the treaty, but that their land had been sold by the Government. These commissioners were duly appointed by the President of the United States and they went down to Mississippi and heard a great many of these Choctaw cases.

- Q Did any of your ancestors appear before any of these commissioners and attempt to establish their rights under the provisions of the fourteenth article of the treaty of Dancing Rabbit Creek? A None as I know of.

Franklin A. Conaway, et al., 5.

An Act of Congress approved on the 23rd day of August, 1842, provided that in case it should be finally decided that a Chectaw had complied in all respects with the provisions of the fourteenth article of the treaty of Dancing Rabbit Creek, but that his land had been sold by the Government, he should be entitled to select in the place of the land so sold by the Government, land some place else in Mississippi, or Alabama, Louisiana, or Arkansas, to be taken from vacant government land, and should be given a certificate to that effect. These certificates were called scrip.

- Q Did any of your ancestors ever get any of this scrip from the Government under this act of Congress? A I think not.
- Q Do you know of any old persons living who would likely know whether any of your ancestors ever complied, or attempted to comply with the provisions of the fourteenth article of the treaty of Dancing Rabbit Creek, or ever received any benefits thereunder?
- A I know no other only what has been produced this morning. If there is any other, I don't know it.
- Q Do you know of any written evidence of any kind which would prove or tend to prove such a state of facts? A No, sir, I do not.
- Q Have you any written evidence to offer at this time? A No, sir.
- Q Any witnesses? A No, sir, I have simply what's been before you.
- Q You refer to your mother and uncle? A Yes, sir.

If you should find any witnesses whose testimony you desire to have taken by the Commission they may appear here at Muskogee, Indian Territory, within ten days from this date, and their testimony will be taken. If you should find any written evidence you desire to have offered, if presented within ten days, it will receive the consideration of the Commission.

- Q Are there any further statements you want to make in support of your application? A No, sir.
- Q You don't speak or understand the Chectaw language, do you?
- A No, sir.
- Q What relation are you to William J. Conaway? A Brother.
- Q Full brother? A Yes, sir.

(The applicant has the appearance of being a white man and shows no particular indication of being possessed of Indian blood, though he has dark hair, eyes and complexion. He does not speak or understand the Chectaw language, and has no knowledge of a compliance on the part of any of his ancestors with the 14th article of the treaty of Dancing Rabbit Creek.)

Franklin A. Conaway, et al., 6.

R. S. Streit, having been first duly sworn, upon his oath states that as stenographer to the Commission to the Five Civilized Tribes, he reported in full all proceedings had in the above entitled cause at Muskogee, Indian Territory, on the 26th day of June, 1902, and that the above and foregoing is a full, true and correct translation of his stenographic notes of said proceedings in said cause upon said date.

R. S. Streit
Subscribed and sworn to before me at Muskogee, Indian Territory, this 26th day of June, 1902.

Chas. Mitchell
Notary Public.

Miss. Chas. 3006

Muskogee, Indian Territory, July 18, 1902.

F. A. Conway,

Manlow, Texas,

Dear Sir:

Receipt is hereby acknowledged of your letter, without date, enclosing certified copy of marriage license and certificate between F. A. Conway and Lettie Walker, which you offer in support of your application for the identification of yourself and your minor children as Mississippi Choctaws, and the same has been filed with the record in this case.

Yours truly,

Acting Chairman.

M.C.R. 5866

Muskogee, Indian Territory, October 14, 1902.

Franklin A. Conaway,
Menlow, Texas.

Dear Sir:-

You are hereby advised that on the 14th day of October, 1902, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of William T. Grisham, et al., embracing the following applications for identification as Mississippi Choctaws:

| | |
|------------------------------|-------------|
| William T. Grisham, | M.C.R. 5862 |
| Mattie Wilson, et al., | M.C.R. 5864 |
| Emily Conaway, | M.C.R. 5863 |
| William J. Conaway, et al., | M.C.R. 5865 |
| Franklin A. Conaway, et al., | M.C.R. 5866 |

These applications were made under the provision of the act of Congress of June 28, 1896 (50 Stats. 495) which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto and make report to the Secretary of the Interior."

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of William T. Grisham, Mattie Wilson, Elsie May Wilson, Emily Conaway, William J. Conaway, James Eugene Conaway, Frank

Franklin A. Conaway-- -----8

Conaway, Thomas L. Conaway, Annie Leila Conaway, Sallie A. Conaway, Franklin A. Conaway, Emma Conaway and James H. Conaway as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the applications for their identification as such should be refused, and it is so ordered."

You are further advised that you will be allowed fifteen days from the date hereof within which to file arguments in this office, and that at the expiration of said time the papers in the case, together with such arguments, will be forwarded for review to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

Commissioner in Charge

Registered.

U.S.F. 1000

Winkler, Indian Territory, December 5, 1902.

Franklin A. Conaway,

Winkler, Texas.

Dear Sir:

You are hereby notified that on the 22nd day of November, 1902, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of William T. Grisham, et al., of which decision you were advised by registered mail on the 14th day of October, 1902.

Respectfully,

SIGNED

Samuel Story

Acting Chairman.

No. 5866

For Identification as a Mississippi Choctaw.

Date

Name *Franklin A Conaway*

Age *28*

Blood *1/6*

Post-Office, *Menlow, Texas*

Father, *James C Conaway* d

Mother: *Emily* " L

Claims through *mother*

wife *Lottie Conaway* L
no claim for wife

Children:

Emma Conaway 5

James H. " 1

Conaway

Stenographer

R. S. Streit

Choctaw MCR 5867

Anna B. Richards

See MCR 5823

MCR 5867

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, Indian Territory, June 24, 1902.

In the matter of the application of Anna B. Richards for the identification of herself and her six minor children, Elwood, Edna, Sidney Lee, Annie, Ruth and Solma Richards, as Mississippi Choctaws.

Appearances:

S. Heard, Attorney for Applicant.

Anna B. Richards, having been first duly sworn, upon her oath testified as follows:

Examination by the Commission.

- Q What is your name? A Anna B. Richards.
Q How old are you? A Thirty eight.
Q How much Choctaw blood have you? A One-sixteenth.
Q What's your post office address? A West, McLinton County, Texas.
Q Is your father living? A No, sir.
Q What was his name? A Henry Atkinson.
Q Your mother living? A Yes, sir.
Q What's her name? A Hannie Atkinson.
Q Through which one of your parents do you derive your Choctaw blood? A My mother.
Q Has your mother ever been before this Commission? A Yes, sir.
Q When did your mother appear before the Commission? A Yesterday was a week ago.
Q Where was your mother born? A Georgia.
Q How long did she live there after her birth? A I don't know.
Q Where were you born? A Alabama.
Q How long did you live there? A Eight years.
Q Have you lived in Texas ever since? A Yes, sir.
Q What part of Alabama? A Elmore County.
Q Do you know how long your mother lived there before your birth?
A No, sir.
Q Through which one of her parents did your mother get her Choctaw blood? A Her mother.
Q What was her name? A Gummells.
Q What was her maiden name? A Mary Gummells.
Q Was that her maiden name? A No, sir, Peoples was her name before she married.
Q How old would your mother be if she were living today? A I don't know, sir.

Anna B. Richards, et al., 2.

- Q Have you anyidea? A Yes, sir, she would be over one hundred - something over a hundred - but I couldn't tell.
- Q Do you know where she was born? A No, sir.
- Q Did she ever live in Mississippi to your knowledge? A No, sir, not that I know of.
- Q Did your mother ever live in Mississippi? A No, sir.
- Q Was your mother ever a recognized member of the Choctaw tribe of Indians? A No, sir, I guess not.
- Q Did she ever live in the Choctaw Nation? A No, sir.
- Q Was your mother's mother ever a recognized member of the Choctaw tribe of Indians? A No, sir.
- Q Never lived among them that you know of? A Yes, she lived among them.
- Q Where? A In Alabama.
- Q Do you know where she was living in 1830? A In Georgia.
- Q How long after that did she live there? Do you know how many years? A No, sir, don't know how many years she lived there; couldn't tell.
- Q You don't know when she moved over to Alabama? A No, sir.
- Q Are you married? A Yes, sir.
- Q Husband living? A Yes, sir.
- Q What's his name? A David Richards.
- Q Has he any Choctaw blood? A No, sir.
- Q You make no claim for him, then? A No, sir.
- Q Have you been married more than once? A No, sir.
- Q Has he? A Yes, sir, he's been married twice.
- Q How many children have you living? A Six.
- Q What's the name of the eldest one? A Elwood.
- Q How old is he? A Sixteen.
- Q Next one? A Edna.
- Q How old? A Fourteen.
- Q Next one? A Sidney Lee.
- Q Boy or girl? A Boy.
- Q How old? A He's twelve.
- Q Next one? A Annie.
- Q How old is Annie? A Annie, ten.
- Q Next one? A Ruth.
- Q How old? A She's eight.
- Q Next one? A Gelma.
- Q Boy or girl? A Girl.
- Q How old? A Four.
- Q That's all, is it? A Yes, sir.
- Q These children all living with you at this time? A Yes, sir.
- Q Are they all the children of yourself and David Richards? A Yes, sir.
- Q This application, then, is for yourself and six minor children? A Yes, sir.
- Q Is your name, or the name of any one of these children, on any of the Choctaw tribal rolls in Indian Territory? A Repeat it again.
- Q Is your name, or the name of any one of these children, on any of the Choctaw tribal rolls in Indian Territory? A Yes, sir.
- Q You have never been recognized in any manner or enrolled as citizens of that Nation? A No, sir.

Anna B. Richards, et al., 3.

- Q Have you ever made any application of any description before today for yourself or any of these children for the purpose of establishing your rights as Choctaw Indians? A No, sir.
- Q And you have never been admitted to citizenship in the Choctaw Nation? A No, sir.
- Q You appear before the Commission at this time for the purpose of claiming rights in the Choctaw lands, in Indian Territory, for yourself and six minor children under the fourteenth article of the treaty of Dancing Rabbit Creek? A Yes, sir.

The treaty of Dancing Rabbit Creek was entered into in Mississippi on the 27th day of September, 1830, between the Government of the United States and the Choctaw tribe of Indians. At the time this treaty was made, the Choctaws lived in Mississippi and along the western edge of the State of Alabama, in what constituted the old Choctaw Nation. The object of the treaty was to get these Indians to move out west to a new country west of the Mississippi River, commonly known as the Choctaw-Chickasaw country now. At the time the treaty was made, some of these Indians were unwilling to leave this old country, and for the benefit of those who wanted to stay here what was known as the fourteenth article was put in the treaty. That fourteenth article provided that upon certain conditions, a Choctaw who preferred to stay there and not move out west to the new country west of the Mississippi River might receive land there in Mississippi from the Government. It is as follows:

"Each Choctaw head of a family being desirous to remain and become a citizen of the States shall be permitted to do so by signifying his intention to the agent within six months from the ratification of this treaty, and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land to be bounded by sectional lines of survey; in like manner shall be entitled to one-half that quantity for each unmarried child which is living with him over ten years of age; and a quarter section to such child as may be under ten years of age, to adjoin the location of the parent. If they reside upon said land intending to become citizens of the States for five years after the ratification of this treaty, in that case a grant in fee simple shall issue; said reservation shall include the present improvement of the head of the family, or a portion of it. Persons who claim under this article shall not lose the privilege of a Choctaw citizen, but if they ever remove are not to be entitled to any portion of the Choctaw annuity."

Anna B. Richards, et al., 4.

- Q I have quoted to you the fourteenth article of the treaty of Dancing Rabbit Creek. Do you understand it - do you? A Yes, sir.
- Q Did any of your ancestors ever comply, or attempt to comply with its provisions, or ever receive any benefits thereunder? A Not that I have any knowledge of.
- Q Did any of them own an improvement in what constituted the old Choctaw Nation, in Mississippi and Alabama, in the year 1830, when this treaty was made? A I don't know.
- Q Did any of them live there at that time, to your knowledge?
- A I couldn't tell you, sir.
- Q Did any of them remove to the present Choctaw Nation, in Indian Territory, at the time of the removal of the greater portion of the Choctaw tribe of Indians, between the years 1833 and 1838?
- A I don't know.
- Q Did any of them, within six months, after the treaty of Dancing Rabbit Creek was ratified, let the agent of the Government in Mississippi for the Choctaws know that they wanted to stay and become citizens of the States and take land? A I don't know.
- Q Did any of them ever claim or receive any land in Mississippi, or elsewhere, from the Government of the United States under article fourteen of the treaty of Dancing Rabbit Creek? A No, sir, not that I know of.
- Q You never heard of any of your people ever having gotten any land from the government under this treaty? A No, sir.

In accordance with the provisions of this fourteenth article of the treaty of Dancing Rabbit Creek, the Government of the United States directed an agent in Mississippi to register the names of such Choctaws as might desire to remain there and become citizens of the States and take land. The records of the Government show that this agent failed to register and report to the Government the names of many Choctaws who did, in fact, let him know that they wanted to stay there and become citizens of the States and take land, and on this account the Government at its public land sales in Mississippi, in many instances, sold land upon which Choctaws lived and had improvements and which they supposed they would receive under this fourteenth article of the treaty. This caused a great deal of complaint among the Indians, and the matter was finally brought to the attention of Congress and Congress passed certain acts between the years 1838 and 1842 providing for the appointment of commissioners to come down to Mississippi and hear the cases of Choctaws who claimed that they had complied in all respects with the provisions of the fourteenth article of the treaty, but that their land had been sold by the Government. These commissioners were duly appointed by the President of the United States and they went down to Mississippi and heard a great many of these Choctaw cases.

Anna F. Richards, et al., 5.

- Q Did any of your ancestors appear before any of these commissioners and attempt to establish their rights under the fourteenth article of the treaty of Dancing Rabbit Creek? A Not that I know of.

An act of Congress approved on the 23rd day of August 1842, provided that in case it should be finally decided that a Choctaw had complied in all respects with the provisions of the fourteenth article of the treaty of Dancing Rabbit Creek, but that his land had been sold by the Government, he should be entitled to select in the place of the land so sold by the Government, land some place else in Mississippi, Alabama, Louisiana, or Arkansas, from vacant Government land, and should be given a certificate to that effect. These certificates were called scrip.

- Q Did any of your ancestors ever get any of this scrip under this act of Congress? A I don't know.
- Q Did you ever hear of any of your Choctaw ancestors ever having received any benefits whatever as Choctaw Indians? A No, sir.
- Q Or ever having been recognized members of that tribe? A No, sir.
- Q Do you know of any old persons living who would likely know whether any of your ancestors ever complied or attempted to comply with the provisions of the fourteenth article of the treaty of Dancing Rabbit Creek, or ever received any benefits thereunder? A Well, there is one supposed to be living, but we don't know just where she is.
- Q What's her name? A Young - Mrs. Young.
- Q Full name? A I couldn't tell you her full name.
- Q How old is she? A I couldn't tell you.
- Q What do you think she knows about the matter? A I don't know; I couldn't tell you a thing about what she knows; she knew my great grand father and grand father too.
- Q Do you know of any written evidence of any description which would prove or tend to prove such a state of facts? A No, sir.
- Q Have you any written evidence of any kind to offer at this time in support of your application? A No, sir.
- Q Have you any witnesses here today to testify in your behalf? A No, sir.
- Q Are there any further statements you want to make at this time in support of your application? A No, sir.

If you should find any witnesses whose testimony you desire to have taken by the Commission, they may appear before us here in Muskogee, Indian Territory, within ten days from this date, and their testimony will be taken. If you should see fit to offer any written evidence, if presented within ten days from this date, the same will be considered in your case.

Anna B. Richards, et al., 6.

Q You don't speak or understand the Choctaw language? A No, sir.

(The applicant has the appearance of being a white woman and shows no indication of being possessed of Indian blood, although her hair is black, she has dark eyes and dark complexion. She does not speak or understand the Choctaw language, and has no knowledge of a compliance on the part of any of her ancestors with the provisions of article fourteen of the treaty of Dancing Rabbit Creek.)

R. S. Streit, having been first duly sworn, upon his oath states that as stenographer to the Commission to the Five Civilized Tribes, he reported in full all proceedings had in the above entitled cause at Muskogee, Indian Territory, on the 24th day of June 1902, and that the above and foregoing is a full, true and correct translation of his stenographic notes of said proceedings in said cause upon said date.

Subscribed and sworn to before me at Muskogee, Indian Territory this 26th day of June, 1902.

(R. S. Streit)
[Signature]
Notary Public.

Muskogee, Indian Territory, October 14, 1902.

Anna B. Richards,

West, Texas.

Dear Madam:

You are hereby advised that on the 14th day of October, 1902, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Nancy Atkinson et al., embracing the following applications for identification as Mississippi Choctaws:

| | |
|--------------------------|-------------|
| Nancy Atkinson, | M C R 5823 |
| Mary Swinnea, | M C R 5824 |
| Addie Fisher, | M C R 5830 |
| John T. Swinnea, | M C R 5828 |
| Thomas R. Welch, | M C R 5868 |
| Hannie Jones et al., | M C R 5828 |
| Jimmie Elizabeth Burner, | M C R 5826 |
| Anna B. Richards et al., | M C R 5867 |
| Fannie Roberts et al., | M C R 5827 |
| Alonzo Atkinson, | M C R 5828 |
| Addie Atkinson, | M C R 5829. |

These applications were made under the provision of the act of Congress of June 28, 1898 (30 Stats., 498) which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-

A B R S

seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto and make report to the Secretary of the Interior."

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Nancy Atkinson, Mary Swinnea, Addie Fisher, John T. Swinnea, Thomas R. Welch, Fannie Jones, Marcella Jones, Jimmie Elizabeth Burner, Anna B. Richards, Elwood Richards, Edna Richards, Sidney Lee Richards, Annie Richards, Ruth Richards, Colma Richards, Fannie Roberts, Henry Russell Roberts, Alonso Atkinson and Addie Atkinson as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the applications for their identification as such should be refused, and it is so ordered."

You are further advised that you will be allowed fifteen days from the date hereof within which to file arguments in this office, and that at the expiration of said time the papers in the case, together with such arguments, will be forwarded for review to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

T. E. Swinnea
Commissioner in Charge.

Registered.

Muskogee, Indian Territory, December 8, 1902.

Anna B. Richard,
West, Texas.

Dear Madam:

You are hereby notified that on the 26th day of November, 1902, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Nancy Atkinson, et al., of which decision you were advised by registered mail on the 14th day of October, 1902.

By direction of the Secretary of the Interior, the principal applicant in this case (Nancy Atkinson, of Hillsboro, Texas) has this day been furnished a copy of his letter affirming the decision of the Commission, and also a copy of the letter of the Commissioner of Indian Affairs regarding the same.

Respectfully,

Wm. D. Dyer
Acting Chairman.

For Identification as a Mississippi Choctaw.

Date

Name *Anna S. Richards*

Age *38* Blood *1/6*

Post Office *West, Texas*

Father *Henry M. Winson d*

Mother *Nannie " L*

Claims through *mother*
husband.
David Richards L.
no claim for husband.

For self and

Children

Elewood Richards 16

Edna " 14

Sidney L. " m. 12

Antie " 10

Ruth " 8

Volma " F 4

Stenographer *K. S. Strait*

Choctaw MCR 5868

Thomas R. Welch

See MCR 5823

MCR 5868

M C R 5363

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskegee, Indian Territory, June 24, 1903.

In the matter of the application of Thomas R. Welch for
identification as a Mississippi Chectaw.

Appearances:

S. Heard, Attorney for Applicant.

Thomas R. Welch, having been first duly sworn, upon his
oath testified as follows:

Examination by the Commission.

- Q What is your name? A Thomas R. Welch.
Q How old are you? A Twenty three.
Q How much Chectaw blood have you? A One-thirty-second.
Q What's your post office address? A West, Texas.
Q How long have you lived in the State of Texas? A Twenty-three
years.
Q Is your father living? A Yes, sir.
Q What's his name? A William R. Welch.
Q Your mother living? A Yes, sir.
Q What's her name? A Susie A. Welch.
Q Through which one of your parents do you derive your Chectaw
blood? A Mother.
Q Has she been before this Commission? A No, sir.
Q About how old is she? A She's forty five.
Q Where does she live? A Lives there at West, Hill County.
Q How long has she lived in Texas? A Why, that's something I don't
know exactly - when she came here, - how old she was.
Q About how long? A She came here, I think, when she was small -
twelve or fifteen.
Q Where from? A Alabama.
Q What part? A I have forgotten that now.
Q Do you know where she was born? A She was born in Alabama.
Q Through which one of her parents did she get her Chectaw blood?
A Her mother.
Q What was her mother's name? A Gannells.
Q Her given name? A What? My mother's?
Q Yes; your mother's mother's given name? A Mary; that's my great -
Q Your mother's mother? A Nancy Atkinson; that's my mother's mother's
name.

Thomas R. Welch, 2.

- Q Is she living? A Yes, sir.
Q Has she been before this Commission? A Yes, sir, or Wannie Atkinson.

(See M. C. R. 5823.).

- Q About how old is she? A Who? My mother's mother?
Q Yes? A Why's she's sixty nine.
Q Through which one of her parents did she get her Choctaw blood?
A Her mother.
Q What was her name? A Gunnells.
Q Given name? A Mary Peoples.
Q Her maiden name? A Yes.
Q So far as you know, have any of your Choctaw ancestors ever been recognized in any manner, or enrolled as members of the Choctaw tribe of Indians, in Indian Territory? A No, sir.
Q Are you married? A Yes, sir.
Q Is your wife living? A Yes, sir.
Q What's her name? A Her name is Wannie A. Welch.
Q Has she any Choctaw blood? A No, sir.
Q You make no claim for her? A No, sir.
Q Have you any children? A No, sir.
Q This application, then, is for yourself only? A Yes, sir.
Q Is your name on any of the Choctaw tribal rolls in Indian Territory? A My name - no, sir.
Q Have you ever made any application of any description to the Choctaw tribal authorities in Indian Territory to be admitted or enrolled as a member of that tribe? A No, sir.
Q Did you, or any one for you, in the year 1896, make application to this Commission for citizenship in the Choctaw Nation under the act of Congress approved June 10, 1896? A No, sir, I didn't and don't think any of them did.
Q No application was made, so far as you know? A No, sir.
Q You have never been admitted to citizenship, then, by either the Choctaw tribal authorities, or the United States authorities?
A No, sir.
Q You appear before the Commission at this time for the purpose of claiming rights in the Choctaw lands, in Indian Territory, under the fourteenth article of the treaty of Dancing Rabbit Creek?
A Yes, sir.

This treaty of Dancing Rabbit Creek was entered into in the State of Mississippi on the 27th day of September 1830, between the Government of the United States and the Choctaw tribe of Indians. At the time this treaty was made, the Choctaws lived in Mississippi and along the western edge of the State of Alabama. The object of the treaty was to get these Indians to move from the country occupied by them in Mississippi and Alabama to a new country west of the Mississippi River, a part of which is now occupied by the greater portion of the Choctaw tribe.

Thomas R. Welch, 3.

Indians, and is commonly known as the Choctaw Nation, Indian Territory. At the time the treaty was made, some of these Indians were unwilling to leave the old Nation, and for the benefit of those who preferred to stay there what was known as the fourteenth article was put in the treaty. That fourteenth article provided that upon certain conditions a Choctaw who preferred to stay in Mississippi and not move out west to the new country, might receive land there in Mississippi from the Government. It is as follows:

"Each Choctaw head of a family being desirous to remain and become a citizen of the States shall be permitted to do so by signifying his intention to the agent within six months from the ratification of this treaty, and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land, to be bounded by sectional lines of survey; in like manner shall be entitled to one-half that quantity for each unmarried child which is living with him over ten years of age; and a quarter section for such child as may be under ten years of age, to adjoin the location of the parent. If they reside upon said land intending to become citizens of the States for five years after the ratification of this treaty, in that case a grant in fee simple shall issue; said reservation shall include the present improvement of the head of the family or a portion of it. Persons who claim under this article shall not lose the privilege of a Choctaw citizen, but if they ever remove are not to be entitled to any portion of the Choctaw annuity."

- Q You understand that 14th article, do you? A Yes, sir; I think so.
- Q Did any of your ancestors ever comply or attempt to comply with its provisions, or ever receive any benefits thereunder? A No, sir, not that I know of.
- Q Any of them own an improvement in the old Choctaw Nation, in Mississippi and Alabama, in the year 1830, when this treaty was made? A Not that I ever heard of.
- Q Did any of them live there at that time? A Well, I don't know: I think they did, though. I am not sure, but I think they did.
- Q What one of your Choctaw ancestors do you think lived in the old Choctaw Nation in Mississippi and Alabama in 1830, when this treaty was made? A In Alabama, you mean?
- Q In Mississippi or Alabama - the Old Nation - in 1830?
- Q I don't know whether it was my grand mother, or great grand mother; I wouldn't be sure about that.
- Q Did any of your Choctaw ancestors remove to the present Choctaw Nation, in Indian Territory, at the time of the removal of the greater portion of the Choctaw tribe of Indians, between the years 1835 and 1838? A No, sir, not that I know of.

Thomas R. Welch, 4.

- Q Did any of them, within six months after the treaty of Dancing Rabbit Creek was made, let the agent of the Government in Mississippi for the Choctaws know that they wanted to stay in Mississippi and become citizens of the States and take land? A I don't know.
- Q Did any of your Choctaw ancestors ever claim or receive any land in Mississippi from the Government of the United States under the provisions of article fourteen of the treaty of Dancing Rabbit Creek? A Not that I know of.
- Q You never heard of any of your people ever having gotten any land from the Government under this fourteenth article? A No, sir.

In accordance with the provisions of the fourteenth article of the treaty of Dancing Rabbit Creek, the Government of the United States directed an agent in the State of Mississippi to register the names of such Choctaws as might desire to remain in Mississippi and become citizens of the States and take land. The records of the Government show that this agent failed to register and report to the Government the names of many Choctaws who did, in fact, let him know that they wanted to stay and become citizens and take land, and on this account the Government at its public land sales in Mississippi, in many instances, sold land upon which Choctaws lived and had improvements, and which they supposed they would receive under the fourteenth article of the treaty. This caused a great deal of complaint among the Indians, and the matter was finally brought to the attention of Congress and Congress passed certain acts between the years 1837 and 1842 providing for the appointment of commissioners to go down to Mississippi and hear the cases of Choctaws who claimed that they had complied in all respects with the provisions of article fourteen of the treaty of Dancing Rabbit Creek, but that their land had been sold by the Government. These commissioners were duly appointed by the President of the United States and they went down to Mississippi and heard a great many of these Choctaw cases.

- Q Did any of your Choctaw ancestors appear before any of these commissioners and attempt to establish their rights under the fourteenth article of the treaty of Dancing Rabbit Creek?
- A I don't know whether they did or not.

An act of Congress approved on the 2nd day of August, 1842 provided that in case it should be finally decided that a Choctaw had complied in all respects with the provisions of the fourteenth article of the treaty of Dancing Rabbit Creek, but that his land had been sold by the Government, he should be entitled to select in the place of the land so sold by the Government, land some place else in

Thomas R. Welch, 5.

Mississippi, or Alabama, Louisiana, or Arkansas, from vacant Government land, and should be given a certificate to that effect. These certificates were called scrip.

- Q Did any of your ancestors ever get any of this scrip from the Government of the United States under this act of Congress?
A No, sir, I don't know.
Q You never heard, then, of any of your Choctaw ancestors ever having received any benefits whatever as Choctaws? A No, sir.
Q Or ever having been recognized members of the tribe? A No, sir.
Q Do you know of any old person living who would likely know whether any of your Choctaw ancestors ever complied or attempted to comply with the provisions of the fourteenth article of the treaty of Dancing Rabbit Creek, or ever received any benefits thereunder? A Do I know of any old person living?
Q That would know about that? A No, sir.
Q Do you know of any written evidence of any description which would prove or tend to prove such a state of facts? A No, sir.
Q Have you any written evidence of any kind to offer at this time?
A No, sir.
Q Have you any witnesses here today? A No, sir.

If you should find any witnesses whose testimony you desire to have taken by the Commission, they may appear here at Muskegee, Indian Territory, within ten days from this date and their testimony will be taken. If you should see fit to submit any written evidence in support of this application, if the same is presented within ten days from this date, it will be considered in this case.

- Q Any further statements you want to make at this time in support of your application? A No, sir.
Q Have you any brothers living? A Yes, sir.
Q How many? A Four.
Q What are their names? A The oldest one is named James Welch.
Q Next one? A And Welch.
Q Next? A Homer.
Q Next one? A Leslie.
Q Have you any sisters living? A Yes, sir, four.
Q What are their names, and if they are married, give their married names? A They are not married. Hattie, Ida, the next one is Manda and Fannie.
Q Has any application of any description ever been made to the Commission in behalf of any of these children? A No, sir.
Q What relation is your mother to Anna E. Richards who just appeared before the Commission? A Sister.
Q Full sister? A Yes, sir.
Q You don't speak or understand the Choctaw language?
A No, sir.

Thomas R. Welch, 6.

(This applicant has the appearance of being a white man and shows no indication of being possessed of Indian blood. He has dark hair, dark complexion and dark eyes; he does not speak or understand the Choctaw language and has no knowledge of a compliance on the part of any one of his ancestors with any of the provisions of article fourteen of the treaty of Dancing Rabbit Creek.)

R. S. Streit, having been first duly sworn, upon his oath states that as stenographer to the Commission to the Five Civilized Tribes, he reported in fullall proceedings had in the above entitled cause at Muskogee, Indian Territory, on the 24th day of June, 1902, and that the above and foregoing is a full, true and correct translation of his stenographic notes of said proceedings in said cause upon said date.

Subscribed and sworn to before me at Muskogee, Indian Territory, this 26th day of June, 1902.

R. S. Streit
Wm. H. Wood
Notary Public.

Muskogee, Indian Territory, October 14, 1902.

Thomas R. Welch,
West, Texas.

Dear Sir:

You are hereby advised that on the 14th day of October, 1902, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Nancy Atkinson et al., embracing the following applications for identification as Mississippi Choctaws:

| | |
|--------------------------|-------------|
| Nancy Atkinson, | M C R 5823 |
| Mary Swinnea, | M C R 5824 |
| Addie Fisher, | M C R 5830 |
| John T. Swinnea, | M C R 5928 |
| Thomas R. Welch, | M C R 5868 |
| Nannie Jones et al., | M C R 5825 |
| Jimmie Elizabeth Burner, | M C R 5826 |
| Anna B. Richards et al., | M C R 5867 |
| Fannie Roberts et al., | M C R 5827 |
| Alonzo Atkinson, | M C R 5828 |
| Addie Atkinson, | M C R 5829. |

These applications were made under the provision of the act of Congress of June 28, 1898 (30 Stats., 495) which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-

T R V 2

seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto and make report to the Secretary of the Interior."

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Nancy Atkinson, Mary Swinnea, Addie Fisher, John T. Swinnea, Thomas R. Welch, Wannie Jones, Marcella Jones, Jimmie Elizabeth Burner, Anna B. Richards, Elwood Richards, Edna Richards, Sidney Lee Richards, Annie Richards, Ruth Richards, Colma Richards, Fannie Roberts, Henry Russell Roberts, Alonzo Atkinson and Addie Atkinson as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the applications for their identification as such should be refused, and it is so ordered."

You are further advised that you will be allowed fifteen days from the date hereof within which to file arguments in this office, and that at the expiration of said time the papers in the case, together with such arguments, will be forwarded for review to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,


Commissioner in Charge.

Registered.

Muskogee, Indian Territory, December 8, 1902.

Thomas R. Welch,
West, Texas.

Dear Sir:

You are hereby notified that on the 26th day of November, 1902, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Nancy Atkinson, et al., of which decision you were advised by registered mail on the 14th day of October, 1902.

By direction of the Secretary of the Interior, the principal applicant in this case (Nancy Atkinson, of Hillsboro, Texas) has this day been furnished a copy of his letter affirming the decision of the Commission, and also a copy of the letter of the Commissioner of Indian Affairs reporting thereon.

Respectfully,

Acting Chairman.

For Identification as a Mississippi Choctaw.

Date Jan. 24 1902
 Name Thomas R. Welch
 Age 23 Blood 1/32
 Post-Office West Texas
 Father Wm R. Welch - ~~do~~
 Mother Susie A. " L
 Claims through mother.
 wife Fannie A. Welch L
 No claim for wife

Children

R. S. Shurt

Choctaw MCR 5869

William W. Moore

See MCR 5870

MCR 5869

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, Indian Territory, June 24, 1902.

In the matter of the application of William W. Moore for the identification of himself and two minor children, William W. Jr. and Edward W. Moore, as Mississippi Choctaws.

William W. Moore, having been first duly sworn, upon his oath testified as follows:

Examination by the Commission.

- Q What is your name? A William W. Moore.
Q How old are you? A Thirty years old.
Q How much Choctaw blood do you claim to have? A One eighth.
Q What's your post office address? A Henderson, Texas.
Q Is your father living? A No, sir.
Q What was his name? A Simpson Moore.
Q Mother living? A Yes, sir.
Q What's her name? A Martha Moore.
Q Through which one of your parents do you derive your Choctaw blood? A My father.
Q How old would he be if he were living now? A He would be about seventy five or eighty years - seventy six, I guess, for sure.
Q Where was he born? A Mississippi.
Q What county? A What county is Jackson in?
Q Hinds? A He lived at Jackson, Mississippi.
Q How long did he live there? A He lived there between the years '38 and '40; somewhere along there; I am not sure.
Q Through which one of his parents did he get his Choctaw blood?
A His father.
Q What was his father's name? A Silas Moore.
Q Do you know where Silas Moore was born? A I think in Mississippi; I am not sure; I think Silas Moore has been enrolled. My understanding is that his name is on the old Mississippi rolls.
Q Did he live in the State of Mississippi all his life - Silas Moore? A I don't know, sir; he come to Texas; he lived there - I don't know where he lived before he come to Texas.
Q Do you know whether he was ever a recognized members of the Choctaw tribe of Indians? A No, sir.
Q Was your father ever so - ? A No, sir.
Q Did your father ever live in Indian Territory? A No, sir.
Q Did any of your relatives that you know of? A A good many of my relatives have; a good many of them are in the Territory now.
Q Any of your ancestors? A Not lineally; no, sir.

William W. Moore, et al., 2.

- Q What was the name of your father's mother? A Hona.
Q She had no Choctaw blood? A I don't know what it was - no, sir;
I don't know anything about it.
Q Do you know whether she and your father's father were lawfully
married? A Yes, sir; I don't know it exactly - general history -
I don't know that I could say that.
Q How many children did they raise, do you know? A I would have
to count them up - let's see -- Benson, and Knox and Malinda and
Emily - five or six.
Q Do you know how long they lived together as husband and wife? A
A They lived together until she died; she died about fifty years ago.
Q Were your father and mother lawfully married? A Yes, sir.
Q Have you any evidence of that fact? A I can get the evidence.

It will be necessary that you furnish the Commission
with proper evidence of the marriage of your father and
mother. This evidence should be furnished within ten days
from this date.

- Q How many children did they raise? A Six.
Q Are you married? A Yes, sir.
Q Is your wife living? A Yes, sir.
Q What's her name? A Mattie.
Q Has she any Choctaw blood? A No, sir.
Q You make no claim for her? A No, sir.
Q Have you any children? A Two.
Q What are their names and ages? A The older one is William W. Jr.
Q How old? A He is three years old.
Q Next one? A Edward W. one year old.
Q Are these two children living with you at this time? A Yes, sir.
Q Are they both the children of yourself and Mattie Moore?
A Yes, sir.
Q This application, then, is for yourself and two minor children?
A Yes, sir.
Q Is your name on any of the Choctaw tribal rolls in Indian Terri-
tory? A No, sir.
Q Have you ever made application of any kind to the Choctaw tribal
authorities to be enrolled as a member of that tribe? A No, sir.
Q Did your father ever? A No, sir.
Q Did you or any one for you, in the year 1896, make application to
this Commission for citizenship in the Choctaw Nation, under the
act of Congress of June 10, 1896? A No, sir.
Q You never, then, have been admitted to citizenship in the Choctaw
Nation? A No, sir.
Q Is this the first application of any description that you have
ever made for the purpose of establishing your rights as a
Choctaw Indian? A Yes, sir.
Q Do you appear before the Commission at this time for the purpose
of claiming rights in the Choctaw lands, in Indian Territory,
under the fourteenth article of the treaty of Dancing Rabbit Creek?
A Yes, sir.

William V. Moore, et al., #3.

The treaty of Dancing Rabbit Creek was entered into in Mississippi on the 27th day of September 1830, between the Government of the United States and the Choctaw tribe of Indians. At the time this treaty was made, the Choctaws lived in Mississippi and along the western edge of the State of Alabama. The object of the treaty was to secure the removal of these Indians to what is now known as the Choctaw-Chickasaw country, in Indian Territory. At the time this treaty was made, some of the Indians were unwilling to leave the old Nation, and for the benefit of those who wanted to stay there what is known as the 14th article was put in the treaty. That fourteenth article is as follows:

"Each Choctaw head of a family being desirous to remain and become a citizen of the States shall be permitted to do so by signifying his intention to the agent within six months from the ratification of this treaty, and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land, to be bounded by sectional lines of survey; in like manner shall be entitled to one-half that quantity for each unmarried child which is living with him over ten years of age; and a quarter section for such child as may be under ten years of age; to adjoin the location of the parent. If they reside upon said land intending to become citizens of the States for five years after the ratification of this treaty, in that case a grant in fee simple shall issue; said reservation shall include the present improvement of the head of the family, or a portion of it. Persons who claim under this article shall not lose the privilege of a Choctaw citizen, but if they ever remove are not to be entitled to any portion of the Choctaw annuity."

- Q You understand that thoroughly? A Yes, sir.
- Q Did any of your Choctaw ancestors ever comply or attempt to comply with its provisions or ever receive any benefits under that article? A None that I know of.
- Q Did any of them own an improvement in the old Choctaw Nation in Mississippi and Alabama in the year 1830, when this treaty was made? A No, sir.
- Q Did any of them remove to the present Choctaw Nation, in Indian Territory, at the time of the removal of the greater portion of the Choctaw tribe of Indians between the years 1833 and 1838?
- A None of my immediate family.
- Q Your ancestors? A None of my ancestors; no, sir.
- Q Did any of them, within six months after the treaty of Dancing Rabbit Creek was ratified, let the agent of the Government in Mississippi for the Choctaws know that they wanted to stay in Mississippi and become citizens of the States and take land?
- A I have no history of them.
- Q You never heard of it, then, if they did? A No, sir.

William W. Moore, et al., 4.

- Q Did any of them ever claim or receive any land in Mississippi from the Government of the United States under article fourteen of the treaty of Dancing Rabbit Creek? A No, sir.
- Q Did any of them ever receive any land in Mississippi from the Government to your knowledge? A No, sir.

In accordance with the provisions of the fourteenth article of the treaty of Dancing Rabbit Creek, the Government of the United States directed an agent here in Mississippi to register the names of such Choctaws as might desire to remain and become a citizen of the States and take land. The records of the Government show that this agent failed to register and report to the Government the names of many Indians who did, in fact, let him know that they wanted to stay and become citizens of the States and take land, and on this account the Government at its public land sales in Mississippi, in many instances, sold land upon which Choctaws lived and had improvements, and which they supposed they would receive under this fourteenth article. This caused a great deal of complaint among the Indians, and the matter was finally brought to the attention of Congress, and Congress passed certain acts between the years 1837 and 1842, providing for the appointment of commissioners to go down to Mississippi and hear the cases of Choctaws who claimed that they had complied in all respects with the provisions of the fourteenth article of the treaty, but that their land had been sold by the Government. These commissioners were duly appointed by the President of the United States and they proceeded to Mississippi and heard a great many of these cases.

- Q Did any of your ancestors appear before any of these commissioners and attempt to establish their rights under the fourteenth article of the treaty of Dancing Rabbit Creek? A Not that I know of, no sir.

An Act of Congress approved on the 23rd day of August, 1842, provided that in case it should be finally decided that a Choctaw had complied in all respects with the provisions of this fourteenth article of the treaty of Dancing Rabbit Creek, but that his land had been sold by the Government, he should be entitled to select in the place of the land so sold by the Government, land some place else in Mississippi, or in Alabama, Louisiana, or Arkansas, from vacant Government land, and should be given a certificate to that effect. These certificates were called scrip.

William R. Moore, et al., 5.

- Q Did any of your ancestors ever receive any of this scrip from the Government under this act of Congress? A No, sir, not that I know of.
- Q So far as you know, then, none of your ancestors were ever recognized members of the Choctaw tribe? A No, sir, not unless it was from that enrollment.
- Q What enrollment is that you refer to? A I think they were enrolled some time in the thirties; they may have attempted to comply with that treaty.
- Q How did you get that idea? A I have never seen the rolls, but I have heard it through my people; I have heard my father say that his father was enrolled in Mississippi.
- Q But you never heard of any of them ever getting any benefits as Choctaw Indians - any land or money? A No, sir.
- Q Did your grand father, Silas Moore, have a Choctaw name? A I will show you the descent. A white man by the name of John Moore married a full blood Mississippi Choctaw by the name of Nancy, and Nancy Moore was the mother of Silas Moore, and Silas Moore was my grand father.
- Q Do you know how many children John Moore had living on the 27th day of September, 1830? A No, sir, I do not.
- Q Have you any idea? A No, sir.
- Q Do you know the names of all of his children? A No, sir.
- Q Name such of them as you can remember? A I have heard of only one of his brothers.
- Q What was his name? A I believe it was Martin. I am not certain. I think that was his name; I think he was a good deal younger than my father was.

From the original list prepared by Colonel William Ward, United States Indian Agent in Mississippi, in 1830, of Choctaw heads of families who signified to him within six months from the ratification of the treaty of Dancing Rabbit Creek, their intention to remain and become citizens of the States and take land under article fourteen of the treaty of Dancing Rabbit Creek, appears the name of John Moore, a white man with an Indian wife, who had, at the time the treaty was made, three children over ten years of age and four children under ten years of age, but it is impossible from the testimony of this applicant to determine whether the John Moore whose name appears upon Colonel Ward's list is his great grand father.

- Q About how old would your grand father, Silas Moore, be if he were living now? A About a hundred years old, I presume.
- Q You don't know the year in which he was born? A No, sir. He died in '72.
- Q Now, have you to do us all you know about the enrollment of your grand father back in Mississippi? A All that I think of, yes, sir.
- Q You don't know what your father meant by your father being enrolled back there, do you? A I heard my father say that early in the

William W. Moore, et al., 6.

twenties or thirties - he was small - there was some trouble moving them out, and that somehow his grand father enrolled, and he thought that some of his children; and that my grand father Silas Moore's name appears upon the records; that he had enrolled the family.

- Q Now, they didn't move out here when the Choctaws first moved to this country? A No, sir, they moved hereafterwards some time.
- Q Have you any brothers living? A Yes, sir.
- Q How many? A Two.
- Q What are their names? A Charles C. Moore and Horace C. Moore.
- Q Have they been before the Commission? A No, sir.
- Q Have you any sisters living? A Yes, sir, have two.
- Q What are their names? A Mrs. G. W. Pirtle.
- Q Next one? A Mrs. Cedella Kennebrew.
- Q Have either of your sisters been before the Commission? A Yes, sir, Mrs. Pirtle has.
- Q Has your father any brothers or sisters living? A I think he has one brother, and I think one sister; I haven't heard from her in four or five years.
- Q What's the name of his brother? A Benson.
- Q Has he been before the Commission? A Yes, sir; that's the way I understand his name.
- Q Have you any brothers or sisters dead? A Yes, sir, one sister dead.
- Q Did she leave any children? A Yes, sir.
- Q How many? A Four.
- Q Are they living? A Yes, sir.
- Q What are their names? A The oldest is Viola Martin.
- Q The next? A The next is Sam J. Martin.
- Q The next? A The next is Jimmie.
- Q The next? A How many is that I have given you?
- Q Three? A The next one is Morris.
- Q Has any application been made to the Commission for them? A No, sir.

(Reference is hereby made to M.C.R. 3579 and M.C.R. 3630, the applicant in this case and the applicants in these cases being the descendants of a common ancestor.)

- Q Any further statements you want to make at this time in support of your application? A Nothing except I want the benefit of these other cases.

By Commission:

Your case will be consolidated with these other two.

By Applicant:

I want to offer in evidence, if it is necessary, to show that I am a brother to Mrs. Pirtle.

- Q You don't speak or understand the Choctaw language? A No, sir.

William W. Moore, et al., 7.

(The applicant has the appearance of being a white man, and shows no indication of being possessed of Indian blood, although he has dark hair, dark complexion and dark eyes; he does not speak or understand the Choctaw language, and has no knowledge of a compliance on the part of any of his ancestors with the provisions of article 14 of the treaty of Dancing Rabbit Creek.)

(Applicant excused.)

John A. Moore, being called and first duly sworn as a witness, upon his oath testified as follows:

Examination by the Commission.

- Q What is your name? A John A. Moore.
- Q What is your age? A Forty one years old.
- Q What's your post office address? A Tyler, Texas.
- Q What's your occupation? A Stock and transfer business.
- Q Are you acquainted with the applicant, William W. Moore, who has just appeared before the Commission? A Yes, sir.
- Q Is he any relation to you? A Second cousin.
- Q Are you acquainted with Mollie Pirtle? A Yes, sir.
- Q What relation is she to the applicant, William W. Moore? A Full brother.
- Q He is her full brother? A Full brother.
- Q What's the name of William W. Moore's father? A Simpson.
- Q Is he living? A No, sir.
- Q Did he have any Choctaw blood? A Well, that's my understanding from my own knowledge, and my own knowledge - you might say I know, except I don't know any further than I have heard my father say.
- Q Which one of his parents did he get his Choctaw blood from; which one of his parents? A Well, it come through his father.
- Q What was his name? A Silas Moore.
- Q Through which one of his parents did he get his Choctaw blood? A Silas?
- Q Yes? A From his mother.
- Q What was her name? A Well, there are two, for pa calls one grand ma, and he calls them both grand ma, and he calls one by grand ma Hona, and I never did know until this thing come up -
- Q What do you mean when you say two of them? A Silas Moore had a mother that they called grand ma; he had a wife whom I have learned is Hona; he called her grand ma too; so, you see grand ma Hona, and grand ma Nancy.

William W. Moore, et al., S.

R. S. Streit, having been first duly sworn, upon his oath states that as stenographer to the Commission to the Five Civilized Tribes, he reported in full all proceedings had in the above entitled cause at Muskogee, Indian Territory, on the 24th day of June, 1902, and that the above and foregoing is a full, true and correct translation of his stenographic notes of said proceedings in said cause upon said date.

R. S. Streit
Subscribed and sworn to before me at Muskogee, Indian Territory, this 26th day of June, 1902.

Clara Mitchell Wood
Notary Public.

Miss. Chootaw R5869

Muskogee, Indian Territory, July 2, 1902.

W. W. Moore,
Henderson, Texas,

Dear Sir:

Receipt is hereby acknowledged of your letter of June 27, in which you ask that your application for identification as a Mississippi Chootaw be cancelled; you state that since you understand the requirements you do not believe that you can make out a case and you do not care to be in the attitude of attempting to secure something to which you cannot establish your right.

In reply to your letter you are advised that your request has been made a matter of record in this case and the Commission will render its decision on the record already made in your case.

Yours truly,

Commissioner in Charge.

Muskogee, Indian Territory, December 30, 1902.

W. W. Moores,

Lock Box #367,

Stephenville, Texas.

Dear Sir:

Receipt is hereby acknowledged of your letter of the 22nd instant, in which you state that there are several persons residing in your County who claim that their grandmother was a half-blood Choctaw Indian.

You ask that if upon making proof of such relationship, can these parties be enrolled and secure an allotment.

You further ask that you be furnished application blanks and blanks for making proof.

In reply to your letter you are informed that the Commission has no blanks of the description requested by you, and it is presumed that you desire to be informed of the procedure necessary in submitting to this Commission applications for identification as Mississippi Choctaws.

The authority vested in the Commission to determine the identity of so-called Mississippi Choctaws is contained in the provision of the act of Congress approved July 1, 1902, and ratified by the citizens of the Choctaw and Chickasaw Nations on September 25, 1902, which provides as follows:

W. W. M. ----2.

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto, and make report to the Secretary of the Interior."

The fourteenth article of the treaty of 1830, above referred to, is as follows:

"Each Choctaw head of a family, being desirous to remain and become a citizen of the states, shall be permitted to do so by signifying his intention to the agent within six months from the ratification of this treaty; and he or she shall thereupon be entitled to a reservation of six-hundred and forty acres of land to be bounded by sectional lines of survey; in like manner shall be entitled to one-half that quantity for each unmarried child which is living with him over ten years of age and a quarter section to such child as may be under ten years of age, to adjoin the location of the parent. If they reside upon said land, intending to become citizens of the states, for five years after the ratification of this treaty, in that case a grant in fee simple shall issue. Said reservation shall include the present improvement of the head of the family or a portion of it. Persons who claim under this article shall not lose the privilege of a Choctaw citizen, but if they ever remove are not to be entitled to any portion of the Choctaw annuity."

The Commission, in determining the rights of persons to be identified as Mississippi Choctaws, requires that the applicants reasonably demonstrate that they are descendants of Choctaw ancestors who resided in the old Choctaw Nation in Mississippi and Alabama in 1830, and who complied or attempted to comply with the provisions of article fourteen above quoted, or who were subsequently adjudicated beneficiaries thereunder by either of the two Commissions

W. W. M.----3.

authorized for this purpose by the acts of Congress approved March 3, 1837 and August 23, 1842.

The Assistant Attorney General for the Department of the Interior, in an opinion of December 3, 1901, defining the power of this Commission to identify so-called Mississippi Choctaws under the provision of the act of Congress of June 28, 1898, uses the following language:

"There is no escape from the conclusion that the provision in the act of June 28, 1898, contemplated the identification of only those

'Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty.'"

It would therefore be necessary, in order for you to obtain rights as a Mississippi Choctaw under the provisions of the act of Congress of June 28, 1898, and the fourteenth article of the treaty of 1830, to show that your ancestor who was living at the date of the conclusion of the treaty of 1830 was a beneficiary under the provisions of article fourteen thereof.

The rules and regulations of the Commission require that applicants for identification as Mississippi Choctaws who are over twenty-one years of age and who are married must present themselves in person before the Commission for examination under oath, at which time a proper record is made of their case. Parents and guardians may apply for their minor children and wards.

The act of Congress approved July 1, 1902, which was rati-

W. W. M. -----4.

ried by the Choctaw and Chickasaw Nations, September 25, 1902, provides:

"The application of no person for identification as a Mississippi Choctaw shall be received by said Commission after six months subsequent to the date of the final ratification of this agreement."

You are advised that under the above legislation the Commission will hear applications for identification as Mississippi Choctaws at its office in Muskogee, Indian Territory, until March 25, 1903.

Respectfully,

Acting Chairman.

COPY.

Muskogee, Indian Territory, April 9, 1903.

William W. Moore,
Henderson, Texas.

Dear Sir:

You are hereby advised that on the 9th day of April, 1903, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of John A. Moore, et al., embracing the following applications for identification as Mississippi Choctaws:

John A. Moore, et al., M.C.R. 5870
William W. Moore, et al. M.C.R. 5869.

These applications were made under the provisions of the act of Congress of June 26, 1898 (30 Stats., 495) which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto and make report to the Secretary of the Interior."

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of John A. Moore, John S. Moore, William W. Moore, William W. Moore, Jr. and Daniel W. Moore as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen

of the treaty of eighteen hundred and thirty, and that the applications for their identification as such should be refused, and it is so ordered."

You are further advised that you will be allowed fifteen days from the date hereof within which to file arguments in this office, and that at the expiration of said time the papers in the case together with such arguments will be forwarded to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

(SIGNED)

Tamc Dinky.

Chairman.

Registered.

MCR-5869

Muskogee, Indian Territory, March 7, 1907.

William W. Moore,
Henderson, Texas.

Dear Sir:-

You are hereby notified that the Secretary of the Interior, on February 16, 1907, affirmed the decision of the Commission to the Five Civilized Tribes of April 9, 1903, refusing to identify, as Mississippi Choctaws, the applicants named in the consolidated case of John A. Moore et al.

Respectfully,

Commissioner.

No 5869

For Identification as a Mississippi Choctaw.

Name William D Moore
 Age 50
 Post Office Henderson Tenn
 Father Simpson Hancock
 Mother Martha " " " "
 Grandmother other
 Wife Kattie Moore
 No children for wife

Children
 Wm D Moore Jr 3
 Edward W " 1

Stenographer W. S. Street

Choctaw MCR 5870

John A. Moore

See MCR 5869

Supp to 3540

MCR 5870

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application of John A. Moore, et al.,
for identification as Mississippi Choctaws, consolidating the ap-
plications of--

John A. Moore, et al., M.C.R. 5870
William W. Moore, et al., M.C.R. 5869

List of papers
forwarded to the Secretary of the Interior, with the record in the
above case, together with the page occupied by each
in said record.

| | PAGE |
|---|------|
| Original application of John A. Moore, et al.,
before the Dawes Commission for identification as
Mississippi Choctaws..... | 1 |
| Original application of William W. Moore,
et al., before the Dawes Commission for identifica-
tion as Mississippi Choctaws..... | 8 |
| Decision of the Commission refusing the
application of John A. Moore, et al., for identi-
fication as Mississippi Choctaws..... | 16 |

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, Indian Territory, June 24, 1902.

In the matter of the application of John A. Moore for the identification of himself and minor brother, James S. Moore, as Mississippi Choctaws.

John A. Moore, having been first duly sworn, upon his oath testified as follows:

Examination by the Commission.

- Q What is your name? A John A. Moore.
Q How old are you, Mr. Moore? A Forty one years old.
Q How much Choctaw blood have you? A One sixteenth.
Q What's your post office address? A Tyler, Texas.
Q How long have you lived in Texas? A Born and raised there.
Q Is your father living? A No, sir.
Q What was his name? A James Franklin Moore.
Q Is your mother living? A No, sir.
Q What was her name? A Missouri E.
Q Through which one of your parents do you derive your Choctaw blood? A Father.
Q How long has he been dead? A Three years -- well, two years and a half.
Q How old was he when he died? A He was sixty years old.
Q Where was he born? A He was born, I think, in - I can't think in which county; I heard him speak of two or three counties they lived in, but it was in Mississippi.
Q How long did he live in the State of Mississippi? A I think he lived there twenty years; I reckon it was; he was twenty years old when he come to Texas, but they had been out here and lived a year or two. His father had come to Texas and stayed there.
Q Through which one of his parents did he get his Choctaw blood?
A His father.
Q What was his name? A Ebenezer Moore.
Q How long has he been dead? A I think he's been dead thirty five, coming as close as I can to it.
Q About how old was he when he died? A Well, father was grown; he might have been forty years old - thirty five - I don't know exactly. I know my father was grown, and my father would be sixty years old now. How was the question?
Q How old was he when he died? A How old was he when he died?
Q Yes. How old was your grand father? A He has been dead forty years, I expect. No he hasn't either.

John A. Moore, et al., 2.

- Q Well, now, how old was he when he died? About how old was he when he died? A Let's see, now; father was grown when he died, which would make it twenty-two years old, and he was twenty-three or four years old when father was born?
- Q He would be eighty five or six years old now? A I reckon so; he is the oldest one of Silas Moore's boys.
- Q Silas Moore was the father of Ebenezer Moore, then? A Yes, sir.
- Q Were your father and mother lawfully married? A Yes, sir. Have no proof of that fact, though, here.
- Q You can prove it can you? A Yes, sir, Oh! yes.

It will be necessary for you to furnish the Commission with proper evidence of the marriage of your father and mother. This evidence should be furnished within ten days from this date.

By Applicant:

Now, in case of not being able to get up the record, will it be necessary to get any witnesses to that effect. I don't think I can get the records for the court house burned down some time ago, and all of the papers and everything was destroyed.

By Commission:

Well, the best evidence of the marriage, of course, is the original marriage license and certificate, next, a certified copy of it, and in case you can't get that, why, probably the best thing to do would be to furnish the affidavits of disinterested persons who were eye-witnesses. These affidavits should be furnished within ten days from today.

- Q What was the name of your father's mother? A James F. Moore.
- Q Your father's mother? A Oh! father's mother! her name was McClay Moore, but I don't recollect the given name. They were Jackson people.
- Q Have you any evidence of the marriage of Ebenezer Moore and your father's mother? A No, sir, except my father's statement about swimming the Yockany River to get her.
- Q How long did they live together as husband and wife? A From the time he was eighteen years until he died. He was married at eighteen.
- Q Have you any evidence of the marriage of Silas Moore and your grand father's mother? A No, sir, I have not.
- Q Do you know how long they lived together as husband and wife? A No, sir; quite a number of years, because they can't trace it back.
- Q How many children were born to them? A I think they had eleven. That's my recollection.
- Q How many children did Ebenezer and his wife have? A Eleven.
- Q Silas and he both had eleven? A I think it's eleven; both of them.
- Q Are you married? A No, sir.
- Q Have you ever been married? A Yes, sir.
- Q How many times? A Once.
- Q Have you any children living? A No, sir.

John A. Moore, et al., 3.

- Q This application is for yourself only? A And little brother - little minor brother; I want to give him in too, if I can.
- Q Full brother of yours? A Half brother.
- Q Same father? A Same father's and different mothers.
- Q With whom does he live? A Well, they sold out, and at the present he is at his sister's until we get located.
- Q With whom has he lived since the death of his father? A With me.
- Q And you have looked after him and supported him the same as you would a member of your own family? A Yes, sir.
- Q What's the name of this child? A James S. Moore.
- Q How old? A Fifteen years old.
- Q Has he always lived in Texas? A Yes, sir.
- Q What was the name of his mother? A Susanna Moore.
- Q Is she living? A No, sir.
- Q Is she a white woman? A Yes, sir.
- Q Is her father lawfully married to her? A Yes, sir.

It will be necessary for you to furnish the Commission with proper evidence of the marriage of the father and mother of this minor child. This evidence should be furnished within ten days from this date.

- Q This application is for yourself and one minor orphan half brother
- A Yes, sir.
- Q Was your father ever recognized in any manner or enrolled as a member of the Choctaw tribe of Indians in Indian Territory?
- A No, sir.
- Q Were you or this minor half brother ever so recognized or enrolled? A No, sir.
- Q None of your Choctaw ancestors, so far as you know, have ever been recognized or enrolled as members of the tribe have they?
- A Why, I don't know, hardly, what you mean by that; I know they were recognized as Indians in Mississippi, and didn't stand very well on that account. That's the fact; we had several fights about it.
- Q Have they ever been enrolled or admitted to citizenship in the present Choctaw Nation, in Indian Territory? A I think not.
- Q None of them have ever lived there, so far as you know? A Yes.
- Q Your direct ancestors? A None of the direct ancestors; I think father got this far --
- Q Did you ever make application to the Choctaw tribal authorities to be enrolled or admitted as a member of that tribe? A No, sir.
- Q Did any one ever make such an application in your behalf or in behalf of this minor orphan half brother? A No, sir.
- Q Did you, or any one for you, or this half brother, or any one for him, in the year 1896, make application to the Commission to the Five Civilized Tribes for citizenship in the Choctaw Nation under the act of Congress approved June 10, 1896? A No, sir.
- Q Then, neither of you have ever been admitted to citizenship in the Choctaw Nation, have you? A No, sir.
- Q Never have enjoyed any of the rights of citizenship? A No, sir.
- Q You appear before the Commission at this time for the purpose of claiming rights in the Choctaw lands, in Indian Territory, for yourself and minor orphan half brother, under the fourteenth

John A. Moore, et al., 4.

article of the treaty of Dancing Rabbit Creek; is that right? A Y
A Yes, sir, that's ---

The treaty of Dancing Rabbit Creek was entered into in the state of Mississippi on the 27th day of September, 1830, between the United States Government and the Choctaw tribe of Indians. At the time this treaty was made, the Choctaws lived in the state of Mississippi and along the western edge of the State of Alabama. The object of the treaty was to get these Indians to move from the country occupied by them in Mississippi and Alabama, to a new country west of the Mississippi River, a part of which is now occupied by the greater portion of the Choctaw tribe of Indians and is known as the Choctaw-Chickasaw country, in Indian Territory. At the time the treaty was made, some of the Indians were unwilling to leave the old Nation, and for the benefit of those who preferred to stay there what was known as the fourteenth article was put in the treaty. That 14th article provided that upon certain conditions, a Choctaw who preferred to stay in Mississippi and not move out west to the new nation, might receive land in Mississippi from the Government. It is as follows:

"Each Choctaw head of a family being desirous to remain and become a citizen of the States shall be permitted to do so by signifying his intention to the agent within six months from the ratification of this treaty, and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land, to be bounded by sectional lines of survey; in like manner shall be entitled to one-half that quantity for each unmarried child which is living with him over ten years of age; and a quarter section to such child as may be under ten years of age, to adjoin the location of the parent. If they reside upon said land intending to become citizens of the states for five years after the ratification of this treaty, in that case a grant in fee simple shall issue; said reservation shall include the present improvement of the head of the family, or a portion of it. Persons who claim under this article shall not lose the privilege of a Choctaw citizen, but if they ever remove are not to be entitled to any portion of the Choctaw annuity."

- Q You understand that 14th article, do you not? A I think so, yes, sir.
- Q Did any of your ancestors ever comply or attempt to comply with its provisions, or ever receive any benefits under that article?
- A I can't think that none of them ever got anything, or I would have heard of it. So far as I know, I don't know whether they ever attempted anything, or whether they ever complied with anything or not.
- Q You think if any of them had ever received any benefits under that article you would have heard of it? A I am quite sure of it, yes, sir.
- Q Did any of them own an improvement in the old Choctaw Nation, in

John A. Moore, et al., 5.

Mississippi and Alabama, in the year 1830, when this treaty of Dancing Rabbit Creek was made? A I don't know that. My father had farms; I wouldn't say about that.

Q Did any of them live in the old Choctaw Nation, in Mississippi and Alabama, in 1830, when this treaty was made? A It's my understanding that they lived there all the time until they come down from the northern portion; grand pa come of down there --

Q Did any of them live there in 1830, if you know? A How is that?

Q Do you know whether any of your Choctaw ancestors lived in Mississippi in 1830, when this treaty was made? A I don't know; no, sir, I do not.

Q Did any of them remove to the present Choctaw Nation, in Indian Territory, at the time of the removal of the greater portion of the Choctaw tribe of Indians, between the years 1833 and 1838?

A None of them that I know of; I don't think they did.

Q Did any of them, within six months after this treaty of Dancing Rabbit Creek was ratified, let the agent of the Government in Mississippi for the Choctaws, know that they wanted to stay in Mississippi and become citizens of the States and take land? A

A That they wanted to stay and take land?

Q Yes? A No, sir, I don't know.

Q Did any of them ever claim or receive any land in Mississippi from the Government of the United States under this fourteenth article of the treaty of Dancing Rabbit Creek? A I rather think they didn't get it; I don't know what they claimed.

Q You never heard of any of them ever having gotten any land from the Government? A No, sir.

In accordance with the provisions of this fourteenth article of the treaty of Dancing Rabbit Creek, the Government of the United States directed an agent in Mississippi to register the names of such Choctaws as might desire to remain there and become citizens of the States and take land. The records of the Government show that this agent failed to register and report to the Government the names of many Indians who did, in fact, let him know that they wanted to stay there and become citizens of the States and take land, and on this account, the Government at its public land sales in Mississippi, in many instances, sold land upon which Choctaws lived and had improvements, and which they supposed they would receive under the fourteenth article of the treaty. This caused a great deal of complaint among the Indians, and the matter was finally brought to the attention of Congress and Congress passed certain acts between the years 1837 and 1842, providing for the appointment of commissioners whose duty it should be to go down to Mississippi and hear the cases of Choctaws who claimed that they had complied in all respects with the provisions of the fourteenth article of the treaty of Dancing Rabbit Creek, but that their land had been sold by the Government. These commissioners were duly appointed by the President of the United States and they went down to Mississippi and heard a great many of these Choctaw cases.

John A. Moore, et al., 6.

- Q Did any of your ancestors appear before any of these co missioners and attempt to establish their rights under the fourteenth article of the treaty of Dancing Rabbit Creek? A I couldn't say; I don't know.

An act of Congress approved on the 23rd day of August, 1842, provided that incase it should be finally decided that a Choctaw had complied in all respects with the provisions of this fourteenth article of the treaty of Dancing Rabbit Creek, but that his land had been sold by the Government, he should be entitled to receive in the place of the land so sold by the Government, land some place in Mississippi, or in Alabama, Louisiana, or Arkansas from vacant Government land, and should be given a certificate to that effect. These certificates were called scrip.

- Q Did any of your Choctaw ancestors ever receive any of this scrip from the Government under this act of Congress? A Never heard of anything of the kind.
- Q You never heard then of any of them ever having received any benefits whatever as Choctaw Indians? A No, sir, never heard of it.
- Q Do you know of any old persons living who would likely know whether any of your ancestors ever complied or attempted to comply with the provisions of the fourteenth article of the treaty of Dancing Rabbit Creek, or ever received any benefits thereunder?
- A Now, there is one man, if he is living, he knows quite a good deal about it; he is a Mississippian.
- Q What's his name? A Mose Hunt.
- Q About how old a man is he? A He was born in 1827.
- Q Where does he live? A He lives north of Water Valley, about two days drive; about forty miles or forty five.
- Q In Mississippi? A Yes, sir.
- Q Do you think he would know whether your people ever complied with this treaty provision or not? A If he is living, he would know a right smart about it, because they were all right together, and he would know about it, because there was very few people there then.
- Q You don't know of any one else who would know about this? A
- A Why, there are different parties here, but they will be taken up later.
- Q Parties where? A Indian people here that knows.
- Q In the Territory? A Yes, sir.
- Q You expect to introduce their testimony later? A Oh! but their evidence is in now; it is in this consolidated case; I don't know what it is; I have never seen them.
- Q You want the record in your case considered in the case of your relatives who are the descendants of a common ancestor living in 1830? A Yes, sir.
- Q You have no written evidence of any kind which would prove or tend to prove that any of your people ever complied with this treaty provision? A No, sir.
- Q You don't know of the existence of any? A No, sir, do not.
- Q Have any evidence to offer at this time, have you? A No, sir.
- Q And no witnesses? A No, sir.

John A. Moore, et al., 7.

- Q Are there any further statements you want to make at this time in support of your application? A No, sir.
- Q Have you any brothers or sisters living? A Have a half sister.
- Q What's her name? A Beatrice.
- Q Beatrice what? A Ponder.
- Q Has she been before the Commission? A No, sir.
- Q You have no brothers living besides this boy? A No, sir, that's all.
- Q Have you any brothers or sisters dead? A No, sir.
- Q Are any of your father's brothers or sisters living? A Yes, sir, there is two - three brothers and one half sister, and one half brother.
- Q What are the names of the three full brothers? A Mark, Simpson, and Sam. Boliver is the half brother.
- Q Boliver Moore? A Yes, sir.
- Q And the sister? A Ebenezer.
- Q Is the half sister? A Yes.
- Q Is she married? A Yes, sir, she's married.
- Q What's her married name? A I don't know.
- Q Have any of them been before the Commission? A No, sir, not that I know of.
- Q Any further statements you want to make in support of your application? A No, sir, nothing that I think of.
- Q You don't speak or understand the Choctaw language? A No, sir.

(See M.C.R. 3579 and 3629; also, the consolidated case of Silas Sharp, et al., M.C.R. 3540.)

(The applicant has the appearance of being a white man, and shows no indication of being possessed of Indian blood. He has rather dark complexion, dark hair, light mustache, gray eyes; he does not speak or understand the Choctaw language, and has no knowledge of a compliance on the part of any of his ancestors with the provisions of article fourteen of the treaty of Dancing Rabbit Creek.)

R. S. Stroitt, having been first duly sworn, upon his oath states that as stenographer to the Commission to the Five Civilized Tribes, he reported in full all proceedings had in the above entitled cause at Muskogee, Indian Territory, on the 24th day of June, 1902, and that the above and foregoing is a full, true and correct translation of his stenographic notes of said proceedings in said cause upon said date.

Subscribed and sworn to before me at Muskogee, Indian Territory, this 28th day of June 1902.

R. S. Stroitt
Wm. Mitchell Wood
Notary Public.

COPY.

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C.W.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

In the matter of the application of John A. Moore, et al.,
for identification as Mississippi Choctaws, consolidating the ap-
plications of--

John A. Moore, et al., M.C.R. 5870
William W. Moore, et al., M.C.R. 5869

---D E C I S I O N---

It appears from the record herein that applications for
identification as Mississippi Choctaws were made to this Commission
by John A. Moore, for himself and his minor brother, John S. Moore,
and by William W. Moore, for himself and his two minor children,
William W., Jr., and Daniel W. Moore, under the following provision
of the act of Congress approved June 20, 1898, (30 Stats., 495):

"Said Commission shall have authority to determine
the identity of Choctaw Indians claiming rights in the
Choctaw lands under article fourteen of the treaty be-
tween the United States and the Choctaw Nation, concluded
September twenty-seventh, eighteen hundred and thirty,
and to that end may administer oaths, examine witnesses
and perform all other acts necessary thereto and make
report to the Secretary of the Interior."

It also appears that all of said applicants claim rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, by reason of being descendants of Nancy, an alleged full-blood Choctaw Indian.

It further appears from the evidence submitted in support of said applications and from the records in the possession of the Commission that none of said applicants has ever been enrolled by the Choctaw tribal authorities as a member of the Choctaw tribe, or admitted to Choctaw citizenship by a duly constituted court or committee of the Choctaw Nation, or by the Commission to the Five Civilized Tribes, or by a decree of the United States Court in Indian Territory, under the provisions of the act of Congress approved June 10, 1896, (29 Stats., 521).

The name Nancy is found on pages 110, 116, 220, 235, 256, 506 and 643, Volume I of the Claimants Brief and Evidence in the case of the Choctaw Nation vs. United States, before the Court of Claims, No. 12742, and also on page 925 of Volume II of the above record. The name Nancy is further found on pages 96 and 136 of Volume VII, American State Papers, Public Lands; all the foregoing citations being references to certain lists, schedules and depositions relating to claims under the provisions of the treaty of "Dancing Rabbit Creek."

It also appears that a person bearing the name Nancy received scrip as a beneficiary under article fourteen of the treaty of "Dancing Rabbit Creek," but it does not appear from the evidence submitted by the several applicants herein that the Nancy through

whom they claim is the identical Nancy whose name appears in the records above cited.

It does not appear from the testimony and evidence offered in support of said applications, or from the records in the possession of the Commission relating to persons who complied or attempted to comply with the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and to persons who heretofore were claimants thereunder, that the said Nancy, through whom these applicants claim, or ancestors less remote, signified (in person or by proxy) to Colonel Wm. Ward, Indian Agent, Choctaw Agency, an intention to comply with the provisions of said article fourteen of the treaty of eighteen hundred and thirty, or presented a claim to rights thereunder to either of the Commissions authorized to adjudicate such claims by the act of Congress approved March 3, 1837, (5 Stats., 180) and August 23, 1842, (5 Stats., 513).

It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of John A. Moore, John S. Moore, William W. Moore, William W. Moore, Jr., and Daniel W. Moore as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the applications for their identification as such should be refused, and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES,

SIGNED,

James F. Poxby

Acting Chairman.

(SIGNED)

T. S. Medley

Commissioner.

Muskogee, Indian Territory,

(SIGNED)

C. R. Brockman

Commissioner.

APR 9 1903

COPY.

Muskegee, Indian Territory, April 9, 1903.

John A. Moore,
Tyler, Texas.

Dear Sir:

You are hereby advised that on the 9th day of April, 1903, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of John A. Moore, et al., embracing the following applications for identification as Mississippi Choctaws:

John A. Moore, et al., M.C.R. 5870
William W. Moore, et al., M.C.R. 5869.

These applications were made under the provision of the act of Congress of June 28, 1898 (30 Stats., 495) which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto and make report to the Secretary of the Interior"

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of John A. Moore, John S. Moore, William W. Moore, William W. Moore, Jr., and Daniel W. Moore, as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the applications for their identification as such should be refused and it is so ordered."

-2-

You are further advised that you will be allowed fifteen days from the date hereof within which to file arguments in this office, and that at the expiration of said time the papers in the case together with such arguments will be forwarded to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

(SIGNED)

Tame Dineen
Chairman.

Registered.

M.C.R. 5870.

COPY.

Muskegee, Indian Territory, April 9, 1903.

Mansfield, McMurray & Cornish,

Attorneys for Choctaw and Chickasaw Nations,

South McAlester, Indian Territory.

Gentlemen:

You are hereby advised that on the 9th day of April, 1903, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of John A. Moore, et al., embracing the following applications for identification as Mississippi Choctaws:

John A. Moore, et al., M.C.R. 5870
William W. Moore, et al., M.C.R. 5869.

These applications were made under the provision of the act of Congress of June 28, 1898 (30 Stats., 495).

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of John A. Moore, John S. Moore, William W. Moore, William W. Moore, Jr., and Daniel W. Moore as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the applications for their identification as such should be refused, and it is so ordered."

You are further advised that the applicants in this case have been allowed fifteen days from the date hereof within

which to file arguments in this office, and that at the expiration of said time the papers in the case together with such arguments will be forwarded to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

SIGNED

Tamyo Dwyer.
Chairman.

COPY.

Muskogee, Indian Territory, April 25, 1903.

The Honorable,

The Secretary of the Interior.

Sir:

There is transmitted herewith the record in the consolidated case of John A. Moore, et al., applicants to the Commission for identification as Mississippi Choctaws, including the decision of the Commission of April 9, 1903.

The above consolidated case embraces the following original applications heard by the Commission:

John A. Moore, et al., M.C.R. 5870,
William W. Moore, et al., M.C.R. 5869.

The Commission has the honor to report that the principal applicants in the several separate applications and the attorneys for the Choctaw and Chickasaw Nations have been duly advised by letter of the action of the Commission, copies of said letters being attached to the record.

The applicants in this case are related to the applicants in the consolidated Mississippi Choctaw case of Silas Sharpe, et al., decision in which was rendered and forwarded by the Commission on September 3, 1902.

Respectfully,

Through the
Commissioner of Indian Affairs.

2 enclosures M.C.R. 5870.

SIGNED

Tamm Dink

Chairman.

(C O P Y)

Land.
27647-1907.

DEPARTMENT OF THE INTERIOR,
OFFICE OF INDIAN AFFAIRS,
WASHINGTON.

February 13, 1907.

The Honorable,

The Secretary of the Interior.

Sir:

I have the honor to invite your attention to the enclosed record of the Commission to the Five Civilized Tribes in the matter of the application of John A. Moore for the identification of himself and his minor brother, John S. Moore, and of William Moore, for himself and his two minor children, William W., Jr. and Daniel W. Moore, as Mississippi Choctaws, in which a decision of rejection was rendered by the Commission on April 9, 1903.

The Commission found that the applicants based their claims to a right to identification on their descent from one Nancy, an alleged full-blood Choctaw Indian, who claimed rights under the 14th article of the Choctaw treaty. The Commission also found that the proof was not adequate to establish the descent of the applicants from a 14th article beneficiary and accordingly rejected them.

An examination of the record has been made in this Office and it has been ascertained that the applicants base their claims to a right to identification on their descent from John Moore, a white man, and his wife, Nancy, an alleged full-blood Choctaw Indian, who resided in the Choctaw country, Mississippi, in 1830,

and prior thereto. They contend that their line of descent from John Moore and his wife, Nancy, is through Silas Moore, the son, Ebenezer Moore, the grandson, and James Franklin Moore, the great-grandson, who was the father of John A. Moore, the principal applicant in this case. John A. Moore was 41 years of age in 1902 when his evidence was given, which would indicate that he was born 1861. There was a John Moore who was awarded land under the 14th article of the Choctaw treaty of 1830, a white man married to an Indian woman. There were in his family at that that time minor children, whose names were not furnished in connection with his application, three of them being over ten years of age and four under. The land reserved for him consisted of sections 11, 13, and 14 and the north half of section 23, township 20 north, range 11 east, Webster county, Mississippi. The records of the Office concerning this John Moore were fully set out in Office letter of July 6, 1904, in connection with the consolidated Mississippi case of Silas Sharp. On the strength of the record as submitted by the commission to the Five Civilized Tribes and the information furnished by this Office the Department, on July 13, 1904 (I.T.D. 5500-1904) rejected the applicants in the case of Silas Sharp et al. The ancestry claimed in this case is the same as that claimed in the Silas Sharp case. Apparently the immediate ancestors of Sharp and those claiming with him were residents of Arkansas, whereas the immediate ancestors of the applicants in this case were residents of Texas. However, they give the same family history and it is evident that both

groups of applicants belong to the same family.

In 1830 John Moore had a married daughter named Nancy, the wife of John Perry. The records of the Office do not disclose the names of any other of his children. Since Moore had children under ten years of age in 1830, it must be assumed that he was a man in the prime of life, but if the family history given by these applicants is correct, their ancestor, John Moore, was necessarily of middle age or past in 1830. The number of generations from John Moore, the alleged ancestor, to John A. Moore, the applicant, indicates that the actual ancestor of these applicants must have been a man much older than the John Moore, the beneficiary under the 14th article of the Choctaw Treaty.

The applicants make no more satisfactory showing in this case than did the applicants in the Silas Sharp case, and I believe that the rule applied by the Department in that case should be the rule applied in this case, and I therefore recommend that the decision of the Commission adverse to the applicants be approved.

very respectfully,

G. F. Larrabee,

Acting Commissioner.

KDH-Y.

DIRECT.

W.H.M.

G.R.

DEPARTMENT OF THE INTERIOR
WASHINGTON.

I.T.D. 3302-1907.

February 16, 1907.

LRS

Commissioner to the Five Civilized Tribes,
Muskogee, Indian Territory.

Sir:

In accordance with the recommendation of the Indian Office of February 13, 1907 (Land 27647), copy whereof is enclosed for your information, the decision of the Commission to the Five Civilized Tribes, dated April 9, 1903, refusing to identify as Mississippi Choctaws the applicants named in the consolidated cases of John A. Moore, et al., M. C. R. 5870, and William W. Moore, et al., M. C. R. 5869, is hereby affirmed.

You will advise applicants, and their attorneys, of this action.

The record in the case has this day been returned for the files of the Indian Office, together with a carbon copy hereof.

Respectfully,

Thos Ryan
First Assistant secretary.

1 enclosure, and
3 enclosures to Ind. Of.

ATM:
2-18-07.

MCR-5870

Muskogee, Indian Territory, March 7, 1907.

Mansfield, McMurray and Cornish,
Attorneys for the Choctaw and Chickasaw Nations,
South McAlester, Indian Territory.

Gentlemen:-

There is enclosed herewith copy of Departmental letter of February 16, 1907 (I T D 3302-1907), accompanied by the report of the Acting Commissioner of Indian Affairs of February 13, 1907 (Land 27647-1903), affirming the decision of the Commission to the Five Civilized Tribes of April 9, 1903, refusing to identify as Mississippi Choctaws the applicants named in the consolidated case of John A. Moore et al.

Respectfully,

WLM.
Encl. 7/4

Commissioner.

REFER IN REPLY TO THE FOLLOWING:

MCR-5870

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

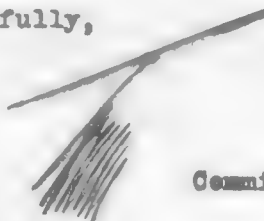
Muskogee, Indian Territory, March 7, 1907.

John A. Moore,
Tyler, Texas.

Dear Sir:-

There is enclosed herewith copy of Departmental letter of February 16, 1907, accompanied by the report of the Acting Commissioner of Indian Affairs of February 13, 1907, affirming the decision of the Commission to the Five Civilized Tribes of April 9, 1903, refusing to identify as Mississippi Choctaws the applicants named in the consolidated case of John A. Moore et al.

Respectfully,



Commissioner.

WLM.
Encl. 7/3

CONSOLIDATED CASE
of

John A. Moore et al

REFER TO M.C.R. 5870

supplemental

3570

Supplemental

No.

3510

Silas Moore¹⁰⁰¹ Ebenezer Moore
wife
M. Clay Moore

James Franklin Moore
- d -
wife

(1) Susanne Moore - w
- d.

(2) Missouri E. Moore
- d.

m.c.r.
5870

John A. Moore 41 $\frac{1}{16}$

m.c.r.
5870

James S. Moore 15

Beatrice Moore
mar
Ponder

Simpson Moore
- d.
wife
Martha Moore

m.c.r.
5869

William W. Moore 30 $\frac{1}{8}$

wife
Mattie Moore

Charles C. Moore
Horace C. "
Cedella "
mar
Kenneth

m.c.r.
5869

William W. Moore, jr. 3

" Edward W. Moore 1

No. 5870

For Identification as a Mississippi Choctaw.

Date
Name John A Moore
Age 41 Blood 1/16
Post-Office, Tyler, Texas
Father James T. Moore d
Mother Missouri E. " d
Claims through father.

For minor orphan

Children half brother
James S. Moore 15
Mother Susanna " (white) d

Stenographer R. S. Streit



112-11
DEPARTMENT OF THE INTERIOR
Commissioner of the General Land Office

FILED

Commissioner



Department of the Interior.

Commissioner to the Five Civilized Tribes,

MUSKOGEE, IND. TER.



John A. Moore,

5870

771
771



1307

John A. Moore,

Enclaved Texas.

Department of the Interior.

Commission to the Five Civilized Tribes,
MUSKOGEE, IND. TER.

OFFICIAL BUSINESS.

Penalty for private use, \$300.



15202

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

FILED

MAY 23 1903

[Handwritten signature]

CHAIRMAN

RECEIVED
APR 17 1903
JEFF D. FURMAN
COSTUME
TYLER - TEXAS

Choctaw MCR 5871

William C. Furtick

See MCR 5574

MCR 5871

M C L 5871.

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, Indian Territory, June 24, 1902.

In the matter of the application of William C. Furtick
for the identification of himself and his four minor children, Clara,
Sallie, Pet and Ruth Furtick, as Mississippi Choctaws.

Appearances:

Thomas & Harrison, Attorneys for Applicant.

William C. Furtick, having been first duly sworn upon his
oath testified as follows:

Examination by the Commission.

- Q What is your name? A William C. Furtick.
Q How old are you? A Forty one.
Q How much Choctaw blood have you? A Claim one fourth.
Q What's your post office address? A Shawnee, Oklahoma.
Q How long have you lived in Oklahoma? A Three years.
Q Where did you live before that? A In Mississippi.
Q What county? A Prentiss County.
Q How long did you live in Prentiss County, Mississippi? A Twenty eight years.
Q Where did you live before that? A In Arkansas nine years.
Q Born over there? A No, sir, raised in Mississippi.
Q Is your father living? A Yes, sir.
Q What's his name? A William W. Furtick.
Q Your mother living? A No, sir.
Q What was her name? A Elisa Jane Dean.
Q Through which one of your parents do you derive your Choctaw blood? A Father.
Q Where does he live? A In Mississippi.
Q You claim he is a half blood Choctaw, do you? A Yes, sir, that's what they say.
Q How old is he? A He is seventy two or seventy four, one or the other.
Q Has he ever been before this Commission? A No, sir.
Q Was he born in Mississippi? A Yes, sir.
Q Lived there all his life, has he? A Yes.
Q Through which one of his parents did he get his Choctaw blood?
A From his mother.
Q What was her name? A Mary Netteline One-hach-ye.
Q Did you ever see her? A No, sir.
Q How long has she been dead? A I don't know.
Q Do you know how old she would be if she were living now? A No, sir

William C. Furtick, et al., 2.

- Q Where was she born? A In Mississippi.
- Q Lived there all her life? A I suppose so; that's as far as I know.
- Q What was your father's father's name? A George Furtick.
- Q You claim that Mary was a full blood Choctaw? A Yes, sir.
- Q Were your father and mother lawfully married? A Yes, sir.
- Q Have you any evidence of that fact? A Why, not here.
- Q How long did they live together as husband and wife? A From the time they were married - they were married at twenty two, and she died when she was sixty.
- Q How many children were born to them? A Six.
- Q Was your father ever a recognized member of the Choctaw tribe of Indians? A Not that I knew of.
- Q Never lived in Indian Territory? A No, sir, never did.
- Q Were any of your ancestors ever recognized or enrolled as members of the Choctaw tribe of Indians? A I don't know.
- Q Are you married? A Yes, sir.
- Q Wife living? A Yes, sir, she's living.
- Q What's her name? A Alice Josephine.
- Q Has she any Choctaw blood? A No, sir.
- Q You make no claim for her? A No, sir.
- Q Have you any children? A Yes, sir.
- Q How many? A Four.
- Q What are their names and ages? A Clara.
- Q How old? A Ten.
- Q Next? A Sallie, eight; and Pet.
- Q How old is Pet? A Five. And Ruth is four.
- Q Are these children all living with you at this time? A Yes, sir.
- Q Are they all the children of yourself and your wife, Alice Josephine Furtick? A Yes, sir.
- Q This application is for yourself and four minor children? A Yes, sir.
- Q Is your name or the name of any one of these children, to be found upon any of the Choctaw tribal rolls in Indian Territory?
- A No, sir.
- Q Have any of your ever been admitted or enrolled as members of that tribe? A No, sir.
- Q Has any application of any description ever been made for you or these children to the Choctaw tribal authorities, in Indian Territory, to be admitted or enrolled as members of that tribe?
- A No, sir.
- Q Or has any such application ever been made to the United States authorities? A No, sir.
- Q Then, none of you have ever been admitted to citizenship in the Choctaw Nation by the United States authorities or the Choctaw authorities? A No, sir.
- Q This is the first application of any kind that has ever been made for you or these children for the purpose of establishing your rights as Choctaw Indians? A Yes, sir; this is the first.
- Q Do you appear before the Commission at this time for the purpose of claiming rights in the Choctaw lands, in Indian Territory for yourself and four minor children under the fourteenth article of the treaty of Dancing Rabbit Creek? A Yes, sir.

William C. Furtick, et al., 3.

This treaty of Dancing Rabbit Creek was entered into in Mississippi on the 27th day of September, 1830, between the United States Government and the Choctaw tribe of Indians. At the time the treaty was made, the Choctaws lived in Mississippi and along the western edge of the State of Alabama. The object of the treaty was to get these Indians to move from the country occupied by them in Mississippi and Alabama out west to a new country commonly known as the Choctaw-Chickasaw country, in Indian Territory. At the time the treaty was made, some of the Indians were unwilling to leave the old Nation and for the benefit of those who preferred to remain there what is known as the fourteenth article was put in the treaty. That fourteenth article provided that upon certain conditions, a Choctaw who preferred to remain in Mississippi and not move out to the new Nation, might receive land in Mississippi from the Government. It is as follows:

"Each Choctaw head of a family being desirous to remain and become a citizen of the States shall be permitted to do so by signifying his intention to the agent within six months from the ratification of this treaty, and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land to be bounded by sectional lines of survey; in like manner shall be entitled to one-half that quantity for each unmarried child which is living with him over ten years of age; and a quarter section to such child as may be under ten years of age, to adjoin the location of the parent. If they reside upon said land intending to become citizens of the States for five years after the ratification of this treaty, in that case a grant in fee simple shall issue; said reservation shall include the present improvement of the head of a family, or a portion of it. Persons who claim under this article shall not lose the privilege of a Choctaw citizen, but if they ever remove are not to be entitled to any portion of the Choctaw annuity."

- Q You understand that fourteenth article thoroughly? A Yes, sir.
- Q Did any of your ancestors ever comply or attempt to comply with the provisions of that 14th article, or ever receive any benefits thereunder? A No, sir, none as I know of.
- Q Did any of them own an improvement in the old Choctaw Nation in Mississippi and Alabama, in the year 1830, when this treaty was made? A No, sir.
- Q Did any of them live there at that time to your knowledge?
- A Yes, I suppose they did.
- Q Who? A They were all there.
- Q What one of your Choctaw ancestors was living there at that time, and was the head of a family? A Why, Che-kach-ye, I suppose was there.

William C. Furtick, et al., 4.

- Q That's your father's mother. Was she your father's mother?
A Neq sir; that was my great grand mother.
Q How old was she in 1830? A I don't know how old she was.
Q Your father's mother, Mary, was the head of a family in 1830, for your father was born in that year? A He was?
Q You say he was seventy two years old? A Yes, sir.
Q And he was born in 1830, and she was the head of a family. She was living there at that time, you say? A Mary Motteline? I suppose so.
Q And she was a full blood Choctaw woman? A Yes, sir.
Q Do you know whether she, or any other of your Choctaw ancestors, within six months from the time this treaty of Dancing Rabbit Creek was ratified, let the agent of the Government here in Mississippi for the Choctaws know that they wanted to stay in Mississippi and become citizens of the States and take land? A No, sir.
Q Did you ever hear of any of them ever having gotten any land from the Government there in Mississippi? A No, sir.
Q Or any money? A None at all.
Q None of them moved out to the new nation when the main body of the tribe moved out there between 1833 and 1838? A None that I know of.

In accordance with the provisions of this fourteenth article of the treaty of Dancing Rabbit Creek, the Government of the United States directed an agent in the State of Mississippi to register the names of such Choctaws as might desire to remain there and become citizens of the States and take land. The records of the Government show that this agent failed to register and report to the Government the names of a great many Choctaws who did, in fact, let him know that they wanted to stay and become citizens of the States and take land, and on this account the Government at its public land sales in Mississippi, in many instances, sold land upon which Choctaws lived and had improvements, and which they supposed they would receive under the fourteenth article of the treaty. This caused a great deal of complaint among the Indians, and the matter was finally brought to the attention of Congress, and Congress passed certain acts between the years 1837 and 1842, providing for the appointment of commissioners to go down to Mississippi and hear the cases of Choctaws who claimed that they had complied in all respects with the provisions of the fourteenth article of the treaty of Dancing Rabbit Creek, but that their land had been sold by the Government. These commissioners were duly appointed by the President of the United States and they went down to Mississippi and heard a great many of these Choctaw cases.

- Q Did any of your ancestors appear before any of these commissioners and attempt to establish their rights under the fourteenth article of the treaty of Dancing Rabbit Creek? A Not as I know of.

William C. Furtick, et al., 5.

An act of Congress approved on the 23rd day of August, 1842, provided that in case it should be finally decided that a Choctaw had complied in all respects with the provisions of the fourteenth article of the treaty of Dancing Rabbit Creek, but that his land had been sold by the Government, he should be entitled to receive in the place of the land so sold by the Government, land some place else in Mississippi, or in Alabama, Louisiana, or Arkansas, from vacant Government land, and should be given a certificate to that effect. These certificates were called scrip.

- Q Did any of your ancestors ever get any of this scrip from the Government under this act of Congress? A No, sir.
- Q So far as you know, then, none of your ancestors ever received any benefits whatever as Choctaw Indians? A No, sir, never have.
- Q Do you know whether any of them were ever recognized members of the Choctaw tribe of Indians? A Not as I know of.
- Q Do you know of any persons living who would likely know whether any of your ancestors ever complied or attempted to comply with the provisions of the fourteenth article of the treaty of Dancing Rabbit Creek, or ever received any benefits thereunder? A None here.
- Q Do you know of any living who would know about that? A There is one back in Mississippi.
- Q What's the name of that witness? A Mrs. Cooper.
- Q What's her other name? A I don't know her other name.
- Q How old is she? A She's ninety four years old.
- Q Where does she live? A Near Boonville, Mississippi.
- Q Do you know of any one else who would know about it? A No, sir.
- Q Do you know of any written evidence of any description which would prove or tend to prove that any of your ancestors ever complied or attempted to comply with the provisions of this fourteenth article of the treaty of Dancing Rabbit Creek, or ever received any benefits thereunder? A No.
- Q Have you any written evidence of any description to offer at this time? A No, sir.
- Q Any witnesses to testify in your behalf? A None here.

If you should find any witnesses whose testimony you desire to have taken by the Commission, they may appear here at Muskogee, Indian Territory, within ten days from this date, and their testimony will be taken. Or, if you desire to file any written evidence, if the same is presented within ten days from this date, it will receive consideration in your case.

- Q Are there any further statements you desire to make at this time in support of your application? A No, sir.
- Q Have you any brothers living? A Yes, sir.
- Q How many? A Two.

William C. Purtick, et al., 6.

- Q What are their names? A Jeff and Frank.
Q Where do they live? A In Mississippi.
Q Have they ever been before the Commission? A No, sir.
Q Have you any sisters living? A Yes, sir.
Q How many? A Two.
Q What are their names? A Bettie and Sallie.
Q Are they married? A Yes, sir.
Q What are their married names? A Dean is Sallie's name, and Chevers is Bettie's name.
Q Have they been before the Commission? A No, sir.
Q Any brothers or sisters dead? A Yes, sir, two brothers dead.
Q Did they leave children? A One of them left one child.
Q What was the name of your brother who left a child? A Lewis.
Q Is his child living now? A Yes, sir.
Q Where? A Back in Mississippi, with Frank.
Q What's his child's name? A Lewis.
Q Are any of your father's brothers or sisters living? A Two living.
Q What are their names? A Dave and Irvin.
Q Where do they live? A In Mississippi.
Q Have they been before the Commission? A No, sir; they were there the last communication I had of them.
Q Has your father any brothers or sisters dead? A I don't know whether he has or not. It has been some time, you know, since I left there.

Examined by Mr. Harrison:

- Q Well, you answered, in answer to the question as to whether or not you knew whether any of your Choctaw ancestors own any improvements in Mississippi in 1830, no, sir. Do you mean to answer no, or do you mean that you do not know? A I don't know - at that time.
Q Then, in answering no sir, you were mistaken, and you intended to answer that you did not know; is that your ancestor? A Yes, sir.
Q You made the same answer to the inquiry as to whether or not any of your ancestors - Choctaw ancestors - received any scrip or money as Choctaws back in the early days. Did you intend to answer no unqualifiedly, or did you mean to say you did not know? A I aimed for it to have been --
Q Do you know it to be a fact that they did not receive any scrip?
A No sir; do not.
Q Do you know the name of the father of Mary Mottolie She-kach-ye?
A No, sir.
Q Do you remember of having heard it in your family? A I have heard him, but I have forgotten it.

(The applicant has the appearance of being a white man, and shows no indication of being possessed of Indian blood; he does not speak or understand the Choctaw language; he has a rather light complexion, dark eyes and hair, light

William C. Furtick, et al., 7.

mustache; he has no knowledge of a compliance on the part of his ancestors with the provisions of the fourteenth article of the treaty of Dancing Rabbit Creek.)

By Mr. Harrison:

We should like to have this case consolidated with M.C.R. 5574, Alice Gardner and others.

By Commission:

Q What relation is Alice Gardner to you? A Why, I don't know exactly how.

Q Are you acquainted with her? A Yes, sir, I am acquainted with her.

By Mr. Harrison:

This applicant is a descendant of Mary Mottoline Che-kach-yo; Mary Mottoline Che-kach-yo was a sister of Sallie Che-kach-yo, both of whom were daughters of Che-kach-yo, and all full bloods. Sallie Mottoline Che-kach-yo was the maternal ancestor of the applicant, Alice Gardner, M.C.R. 5574, and the consolidation is with nine of these cases, all from the same common ancestor, but different maternal ancestors.

R. S. Streit, having been first duly sworn, upon his oath states that as stenographer to the Commission to the Five Civilized Tribes, he reported in full all proceedings had in the above entitled cause at Muskogee, Indian Territory, on the 24th day of June, 1902, and that the above and foregoing is a full, true and correct translation of his stenographic notes of said proceedings in said cause upon said date.

R. S. Streit

Subscribed and sworn to before me at Muskogee, Indian Territory, this 28th day of June, 1902.

Committee on Indian Affairs
Notary Public.

M C R 3871

Muskogee, Indian Territory, July 19, 1902.

Thomas & Harrison,

Attorneys at Law,

Muskogee, Indian Territory.

Gentlemen:

Receipt is hereby acknowledged of your letter of the 18th inst., inclosing certified copy of marriage record between W. C. Furtick and A. J. Jones which you offer for filing in support of the application of William C. Furtick, for the identification of himself and his minor children as Mississippi Choctaws. The same has been filed and made a part of the record in this case.

Yours truly,

Commissioner in charge.

Muskogee, Indian Territory, January 5, 1903.

William C. Furtick,

Shawnee, Oklahoma Territory.

Dear Sir:

You are hereby advised that on the 5th day of January, 1903, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Alice Gardner, et al., embracing the following applications for identification as Mississippi Choctaws:

| | |
|------------------------------|-------------|
| Alice Gardner, et al. | M.C.R. 5574 |
| Samuel H. Hunt, et al. | M.C.R. 4702 |
| William F. Hunt, et al. | M.C.R. 4815 |
| Hezekiah B. Hunt, et al. | M.C.R. 4816 |
| Virginia Jumper, et al. | M.C.R. 4817 |
| John W. Jumper, et al. | M.C.R. 4818 |
| Jennie I. Miller | M.C.R. 5575 |
| Cassie Bates, et al. | M.C.R. 5576 |
| Minnie Smith | M.C.R. 5577 |
| John M. Smith | M.C.R. 5578 |
| James G. Smith | M.C.R. 5579 |
| Nancy Yocum, et al. | M.C.R. 5580 |
| Philip Jumper, et al. | M.C.R. 5593 |
| William C. Furtick, et al. | M.C.R. 5871 |
| Tandy L. Caver | M.C.R. 5872 |
| Thomas S. Smith, et al. | M.C.R. 5882 |
| John E. Everett, et al. | M.C.R. 5883 |
| Ella Lewis, et al. | M.C.R. 5884 |
| Willie Drewry | M.C.R. 5885 |
| Charles J. Smith | M.C.R. 5886 |
| Mary Jones, et al. | M.C.R. 5898 |
| Will Yocum | M.C.R. 5899 |
| John Yocum | M.C.R. 5900 |
| William W. Furtick | M.C.R. 6069 |
| Jefferson D. Furtick, et al. | M.C.R. 6070 |

| | |
|--------------------------|-------------|
| Frank M. Furtick, et al. | M.C.R. 6071 |
| Sallie Dearing, et al. | M.C.R. 6072 |
| Elisa Michael, et al. | M.C.R. 6073 |
| William A. Jumper | M.C.R. 6074 |
| George A. Jumper, et al. | M.C.R. 6075 |
| James A. Yates, et al. | M.C.R. 6076 |
| Bill E. Yates, et al. | M.C.R. 6077 |
| Frank Jumper | M.C.R. 5587 |
| George Jumper, et al. | M.C.R. 6236 |
| Moses Jumper | M.C.R. 6237 |
| Hettie Cheves, et al. | M.C.R. 6320 |
| George A. Everett | M.C.R. 6321 |

These applications were made under the provision of the act of Congress of June 28, 1898 (30 Stats., 495), which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses, and perform all other acts necessary thereto and make report to the Secretary of the Interior."

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Alice Gardner, E. J. Gardner, Jimmie Gardner, Albert Gardner, Charles F. Gardner, Samuel H. Hunt, Oliver R. Hunt, Henry D. Hunt, Eddie F. Hunt, Lelia E. Hunt, Samuel D. Hunt, Susan F. Hunt, Jessie Hunt, Willis, F. Hunt, Royd E. Hunt, Hezekiah B. Hunt, Josephine Hunt, Elisa V. Hunt, Minnie F. Hunt, Eva E. Hunt, Virginia Jumper, Sam Jumper, John W. Jumper, Annie F. Jumper, Dug Jumper, Hattie B. Jumper, Dixon F. Jumper, James Levi Jumper, Jennie I. Miller, Cassie Bates, Archie Patton, Hester Patton, Bessie Bates, Alice Bates, Johnnie Bates, Eugene Bates, Minnie Smith, John M. Smith, James C. Smith, Nancy Yocum, Minnie Yocum, Clinton Yocum, Clifton Yocum, Pearlle Yocum, Ola Yocum, Philip Jumper, Katie Jumper, Mark Jumper, Marvin Jumper, William C. Furtick, Clara Furtick,

William C. Furtick, —3

Sallie Furtick, Pet Furtick, Ruth Furtick, Tandy L. Caver, Thomas S. Smith, Charlotte Smith, Nona Smith, John E. Everett, Sherman L. Everett, Frank C. Everett, Ella Lewis, Orra Lewis, Edwin C. Lewis, Altie P. Lewis, Irvin A. Lewis, Willie Drenry, Charles J. Smith, Mary Jones, Gussie Jones, Gracie Jones, Will Yocum, John Yocum, William W. Furtick, Jefferson D. Furtick, Jeffie Furtick, Emma L. Furtick, Eugenia Furtick, Frank M. Furtick, Frankie Furtick, Alice Furtick, Louis Furtick, Sallie Dearing, Mary Dearing, Jim Dearing, Alexander B. Dearing, Eliza Michael, Andrew Carpenter, James Carpenter, Ollie Carpenter, Dollie Lee Carpenter, Lula Michael, William A. Jumper, George A. Jumper, Pink Jumper, Ed Jumper, Minnie Jumper, Arthur Jumper, Sam Jumper, James A. Yates, Lonnie Yates, Mattie Frances Yates, Will E. Yates, Frank Jumper, George Jumper, Ned Jumper, Ben Jumper, Dan Jumper, Harvey Jumper, Moses Jumper, Bettie Cheves, Mary Cheves, Hamilton Cheves, Lewis Cheves, Freddie Cheves, Johnnie Cheves and George A. Everett as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the applications for their identification as such should be refused, and it is so ordered."

You are further advised that you will be allowed fifteen days from the date hereof within which to file arguments in this office, and that at the expiration of said time the papers in the case, together with such arguments will be forwarded to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

James L. [unclear]

Acting Chairman.

Registered.

REFER IN REPLY TO THE FOLLOWING:
HCL-6073

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

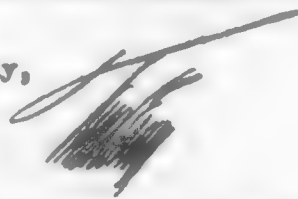
Muskogee, Indian Territory, February 28, 1907.

William C. Furtick,
Shawnee, Oklahoma.

Dear Sir:-

You are hereby notified that the Secretary of the Interior, on February 15, 1907, affirmed the decision of the Commission to the Five Civilized Tribes of January 5, 1903, refusing to identify, as Mississippi Choctaws, the several applicants in the consolidated case of Alice Gardner et al.

Respectfully,



Commissioner.

No. 5871

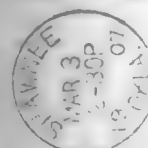
For Identification as a Mississippi Choctaw.

Date JUL 21 1907
Name Wm C Furtick
Age 41 Blood 1/4
Post-Office, Shawnee, Okla.
Father, Wm M Furtick L
Mother, Eliza Jane " d
Claims through father
wife Alice J Furtick L
No claim for wife.

Children
Clara Furtick 10
Sallie " 8
Pet " 5
Ruth " 4

For self and 4 children.

Stenographer R. S. Shult



DEPARTMENT OF
Commissioner to the

FILED

APR 10 1907

[Signature]

Comm



ME III

Department of the Interior.

Commissioner to the Five Civilized Tribes,

MUSKOGEE, IND. TER.



William C. Furtick,
Shawnee, Oklahoma.

5871

Choctaw MCR 5872

Taudy L. Caver

See MCR 5574

MCR 5872

M C R #3372

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, Indian Territory, June 24, 1902.

In the matter of the application of Tandy L. Caver for
identification as a Mississippi Choctaw.

Appearances:

Thomas & Harrison, Attorneys for Applicant.

Tandy L. Caver, having been first duly sworn, upon his
oath testified as follows:

Examination by the Commission.

- Q What is your name? A Tandy L. Caver.
Q How old are you? A Twenty two.
Q How much Choctaw blood have you? A Why, about one-sixteenth, I
suppose.
Q What is your post office address? A Shawnee, Oklahoma.
Q How long have you lived in Oklahoma? A About six months, I
suppose.
Q Where did you live before that? A In Mississippi all the rest of
my life.
Q Is your father living? A No, sir.
Q What was his name? A Henry Caver.
Q Your mother living? A Yes, sir.
Q What's her name? A Mallie.
Q Through which one of your parents do you derive your Choctaw
blood? A My father.
Q How old would your father be if he were living now? A He would be
fifty two years old.
Q Did he live in Mississippi all his life? A Yes, sir.
Q Through which one of his parents did he get his Choctaw blood?
A Through his mother.
Q What was her name? A Rachael Jumper.
Q Her maiden name that was? A Jumper was the other name or sur-
name, or whatever you call it.
Q Is she living? A No, sir.
Q How old would she be if she were living now? A I don't know; about
eighty, I reckon.
Q Through which one of her parents did she get her Choctaw blood?
A Her mother.
Q What was her name? A Elizabeth Fortick.
Q Was that her maiden name? A Elizabeth.
Q Was that her name before she married? A Yes, sir, she married
Sam Jumper.
Q How much Choctaw blood did Elizabeth have? A She was a half, I
reckon.

Tandy L. Caver, 2.

- Q She would be how old, if she were living now? A I don't know.
Q A hundred? A I guess so.
Q Her daughter would be over eighty? A Yes, sir; all of that old anyway.
Q Through which one of her parents did Elizabeth get her Choctaw blood? A Through her mother.
Q What was her name? A Mary Mottoline Che-kach-ye.
Q What was her father's name? A Che-kach-ye, Mottoline's father was.
Q Were your father and mother lawfully married? A Yes, sir.
Q Have you any evidence of that fact? A I can get a certified copy of their marriage.
Q Where were they married do you know? A Married in Tennessee.
Q When? A Why, about thirty years ago, I reckon.

It will be necessary for you to furnish the Commission with proper evidence of the marriage of your father and mother. This evidence should be furnished within ten days from this date.

- Q Have all of your Choctaw ancestors always lived in the State of Mississippi? A I reckon so.
Q Are you married? A No, sir.
Q Have you ever been married? A No, sir.
Q This application, then, is for yourself only, is it? A Yes, sir.
Q Have you ever been recognized in any manner or enrolled as a member of the Choctaw tribe of Indians, in Indian Territory?
A No, sir.
Q Was your father ever so recognized or enrolled? A No, sir.
Q Were any of your ancestors, to your knowledge? A Why, I don't know - why Che-kach-ye was recognized in some way.
Q You don't know in what manner? A Well, no, not exactly.
Q None of them have ever been admitted to citizenship in the Choctaw Nation, Indian Territory? A No, sir.
Q Is your name on any of the Choctaw tribal rolls in Indian Territory? A No, sir.
Q Have you ever made any application to the Choctaw tribal authorities to be admitted or enrolled as a member of that tribe? A No, not until now.
Q You are now making application to the United States authorities, and not to the tribal authorities? A Yes, sir.
Q Did you, or any one for you, in the year 1896, make application to the Commission to the five Civilized Tribes for citizenship in the Choctaw Nation under the act of Congress approved June 10, 1896? A No, sir.
Q You never have been admitted to citizenship in the Choctaw Nation? A No, sir.
Q Never been recognized in any manner as a member of that tribe? A No, sir.
Q Have you ever made any application of any description before today for the purpose of establishing your rights as a Choctaw Indian?
A No, sir.
Q You appear before the Commission at this time for the purpose of claiming rights in the Choctaw lands, in Indian Territory, under the fourteenth article of the treaty of Dancing Rabbit Creek, do you? A Yes, sir.

Tandy L. Caver, S.

The treaty of Dancing Rabbit Creek was entered into in the State of Mississippi on the 27th day of September, 1830, between the Government of the United States and the Choctaw tribe of Indians. At the time this treaty was made the Choctaws lived in the State of Mississippi and along the western edge of the State of Alabama. The object of the treaty was to get these Indians to move from the country occupied by them in Mississippi and Alabama to a new country west of the Mississippi River, a part of which is now occupied by the greater portion of the Choctaw tribe of Indians and is commonly known as the Choctaw Nation, Indian Territory. At the time the treaty was made, some of these Indians were unwilling to leave the old Nation, and for the benefit of those who wanted to stay there what is known as the fourteenth article was put in the treaty. That fourteenth article provided that upon certain conditions a Choctaw who preferred to stay there in Mississippi and not move west to the new nation, might receive land in Mississippi from the Government. It is as follows:

"Each Choctaw head of a family being desirous to remain and become a citizen of the States shall be permitted to do so by signifying his intention to the agent within six months from the ratification of this treaty, and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land, to be bounded by sectional lines of survey; in like manner shall be entitled to one-half that quantity for each unmarried child which is living with him over ten years of age; and a quarter section to such child as may be under ten years of age, to adjoin the location of the parent. If they reside upon said land intending to become citizens of the States for five years after the ratification of this treaty, in that case a grant in fee simple shall issue; said reservation shall include the present improvement of the head of the family, or a portion of it. Persons who claim under this article shall not lose the privilege of a Choctaw citizen, but if they ever remove are not to be entitled to any portion of the Choctaw annuity."

- Q You understand that 14th article now, do you? A Yes, sir.
- Q Did any of your Choctaw ancestors ever comply or attempt to comply with its provisions, or ever receive any benefits thereunder, to your knowledge? A Why, Che-kach-ye attempted to comply with it.
- Q How do you know it? A I have heard it talked.
- Q Who did you ever hear say anything about it? A My people.
- Q What one of your people? A Why, my grand father, Furtick, and Rachael Jumper.
- Q What did you ever hear them say about that matter? A Why, they said he got land in Mississippi, but wasn't allowed to keep it; the Government sold it and disposed of it, some way, or some one did.

Tandy L. Caver, 4.

- Q And when were you told that? A I have heard it talked most all my life, at different times.
- Q Do you know where that land was? A Why, I have heard them say.
- Q Where was it? A Section 16, Township 26, and Range 5 West.
- Q Who did you ever hear say those were the numbers of the land your ancestor, Che-kach-ye, tried to get from the Government? A Why, I have heard various members of the family say that.
- Q Tell me the names of some of them? A I have heard my father, and grand father, and my step-grand father, Furtick, and my mother talk about it.
- Q How did you come to remember the numbers of that land so well?
- A Why, since this has been talked of more than it was a good many years ago, I have thought about it. I thought of it more.

On page 80 of Volume One of the Record of the Court of Claims in the case of the Choctaw Nation versus the United States, Number 12742, in what purports to be a copy of Colonel George W. Martin's register, of claimants under the fourteenth article of the treaty of Dancing Rabbit Creek, appears the case of Che-kach-you, who was apparently awarded a temporary reservation of one section by said George W. Martin, United States Locating Agent, being Section 16, Township 26, Range 5 West. There is nothing in the records of the Commission, or in the evidence in this case indicating that said Che-kach-you ever complied or attempted to comply with the provisions of the fourteenth article of the treaty of Dancing Rabbit Creek; neither is it possible to determine with any degree of certainty whether said Che-kach-you, whose name appears upon the list of George W. Martin, above referred to, is, in fact, the same person referred to by the applicant as his great great great grand father.

- Q Did you ever hear whether any of your Choctaw ancestors ever complied or attempted to comply with the provisions of this fourteenth article of the treaty of Dancing Rabbit Creek? A Yes, sir, for Che-kach-you attempted to comply with it.
- Q Well, now, how do you know he attempted to comply with it?
- A I just only heard it through my older kin people is all I know about it.
- Q When did you first hear of the treaty of Dancing Rabbit Creek?
- A Why, I have heard it all my life.
- Q Heard it all your life? A Yes, sir.
- Q When did you first know what the contents of the fourteenth article of that treaty was? A Why, I couldn't say when I first knew it. I read it in history before.
- Q When did you first hear any of the members of your family make the statements that your ancestor, Che-kach-ye, ever complied with the provisions of this fourteenth article? A I couldn't say when I first heard it.
- Q Can't you think? A No, sir, I can't remember that far.

Tandy L. Caver, S.

In accordance with the provisions of this fourteenth article of the treaty of Dancing Rabbit Creek, the Government of the United States directed an agent in the State of Mississippi to register the names of such Choctaws as might desire to remain there and become citizens of the States and take land. The records of the Government show that this agent failed to register and report to the Government, the names of many Choctaws who did, in fact, let him know that they wanted to stay in Mississippi and become citizens of the States and take land, and on this account, the Government at its public land sales in Mississippi, in many instances, sold land upon which Choctaws lived and had improvements, and which they supposed they would receive under the fourteenth article of the treaty. This caused a great deal of complaint among the Indians and the matter was finally brought to the attention of Congress and Congress passed certain acts between the years 1837 and 1842, providing for the appointment of commissioners to go down to Mississippi and hear the cases of Choctaws who claimed that they had complied in all respects with the provisions of this fourteenth article of the treaty of Dancing Rabbit Creek, but that their land had been sold by the Government. These commissioners were duly appointed by the President of the United States and they went down to Mississippi and heard a great many of these Choctaw cases.

- Q Did any of your ancestors appear before any of those commissioners and attempt to establish their rights under the fourteenth article of the treaty of Dancing Rabbit Creek? A I suppose Che-kaah-yo did.
- Q Did you ever hear he did? A Why, I don't know for sure that he did, but I suppose he did, for he was trying to establish his right.

An Act of Congress approved on the 23rd day of August, 1842, provided that in case it should be finally decided that a Choctaw had complied in all respects with the provisions of the fourteenth article of the treaty of Dancing Rabbit Creek, but that his land had been sold by the Government, he should be entitled to select in the place of the land so sold by the Government, land some place else in Mississippi, or in Alabama, Louisiana, or Arkansas, from vacant Government land, and should be given a certificate to that effect. These certificates were called scrip.

- Q Did any of your ancestors ever get any of this scrip from the Government under this act of Congress? A I don't know whether they did or not.

Tandy L. Caver, 6.

The records in the possession of the Commission fail to disclose that any person by the name of Che-kach-yo appeared before the commissioners appointed under the act of Congress approved March 3, 1837, or before the commissioners appointed under the act of Congress approved August 23, 1842, and attempted to establish his rights under the fourteenth article of the treaty of Dancing Rabbit Creek; neither do the records in the possession of the Commission show that any of the Choctaw ancestors of this applicant appeared before said commissioners, nor do they show that any of the ancestors of this applicant ever received any benefits under the provisions of the fourteenth article of the treaty of Dancing Rabbit Creek.

- Q Do you know of any old persons living who would likely know whether any of your ancestors ever complied or attempted to comply with the provisions of this fourteenth article of the treaty of Dancing Rabbit Creek, or ever received any benefits thereunder? A No, I don't believe I do.
- Q Do you know of any written evidence of any description which would prove or tend to prove such a state of facts? A Why, yes, I have seen it in a book of some sort that was made reference to this fellow.
- Q Well, what book was that you saw? A I can't tell you what the name of it was.
- Q What did you see in it? A I can't remember much of it, to memorize it by reading it there one time.
- Q Where is that book that you are talking about? A It was in Shawnee where I saw it.
- Q What did you see that would show or tend to show that any of your ancestors ever complied or attempted to comply with this treaty provision? A Why, it made personal mention of this Che-kach-yo as being one who attempted to comply with that 14th article, but I couldn't say it --
- Q How did you happen to see that? A I was looking for it.
- Q Who had it? A

By Mr. Harrison:

I had it in connection with Mr. Gardner. It is volume 30 of the opinions of the Attorney General.

Q By Commission:

What is the style of the case?

By Mr. Harrison:

Reed against the Government. I saw it in Shawnee about three months ago. My attention was called to it about the time I made some applications here under the same ancestor; I asked Mr. Needles if he had it, and he said he didn't, and I knew Mr. Gardner had it, and I went down there to get it and read it, and I have the book here now.

By Commission:

- Q Have you any written evidence of any kind to offer at this time in support of your application? A No, sir, not now.

Tandy L. Caver, 7.

Q Have you any witnesses to testify in your behalf? A No, sir.

If you should find any witnesses whose testimony you desire to have taken by the Commission, they may appear here at Muskogee, Indian Territory, within ten days from this date, and their testimony will be taken; or, if you should see fit to offer any written evidence, if the same is received by the Commission within ten days from this date, it will be considered in your case.

Q Have you any brothers or sisters living? A Two brothers and two sisters.

Q What are their names? A Jeff and Howard are the boys and Sula and Ida are the girls.

Q Has your father any brothers or sisters living? A Yes, sir, two brothers living? A

Q What are their names? A Richard and Arch.

Q Have they been before the Commission? A No, sir.

Q Has your father any sisters living? A No, sir.

Q Has he any brothers or sisters dead who left children? A Yes, sir.

Q How many? A One brother dead.

Q Leave children? A Left two boys.

Q What was the name of that brother? A William Caver.

Q What are the names of the boys? A William and Ed Caver.

Q Has any application in their behalf ever been made to the Commission? A No, sir.

Q Did your father ever have any other brothers who left children? A No, sir.

Q Did he ever have any sisters who left children? A No, sir, wasn't but the four boys.

Q Did your father's mother ever have any brothers or sisters? A Yes, sir.

Q Are any of them living? A No, sir.

Q Are any of the descendants of any of them living? A Yes, sir.

Q Name them? A There is Sam Jumper and Tip Jumper and Bill Jumper; I couldn't name them all.

Q Have any of them been before the Commission? A Yes, sir.

Q Who? A Frank Jumper and Tip, and Nancy Yocum.

Q Any more of the descendants of your father --? A Those are not descendants of my father.

Q Descendants of your father's mother, are they? A They are the descendants of my grand mother's brothers.

Q Well, now, any more of your people been before the Commission? A No, sir.

Q What relation are you to William C. Furtick who just appeared before the Commission? A His half uncle.

Q You are the descendants of a common ancestor? A Yes, sir.

Q

By Mr. Harrison?

Q Are you related to one, Alice Gardner? A Yes, sir.

Q Do you know what degree of kinship? A Why, no, sir.

Tandy L. Caver, S.

- Q Do you know Jennie Miller? A No, sir.
Q Do you know Minnie Smith? A I have seen her is all.
Q Do you know John A. Smith? A No, sir.
Q Do you know Joseph G. Smith? A No, sir.
Q What kin is Minnie Smith to Alice Gardner, if you know? A I cant tell you.
Q What kin is Nancy Yocum to you? A She is a cousin, I suppose.
Q What kin is Frank Jumper to you? A Cousin.
Q

By Mr. Harrison:

Your Honor please, I would like to have the case M.C.R. 5872 be consolidated with -- they are all consolidated together, but particularly with 5587, Frank Jumper, and 5575, Jennie L. Miller, who is a sister of Alice Gardner.

By Commission:

These people are all descendants of a common ancestor.

- By Mr. Harrison? A Yes, sir. I would like to ask this witness a question testing his knowledge of the history of Mississippi.
Q What History did you refer to? A Mississippi history.
Q Was that the history that was taught in the public schools, or a history --? A The history of the State -- taught it in the public schools.
Q Did the history of the State which was taught in the public schools and to which you refer, make particular reference to the treaty of 1830? A Well, it made mention of it.
Q Was mention made in connection with the fourteenth article of that treaty? A I don't remember about that.
Q Then, when you say in response to the question that you read it, - you read of the treaty of 1830 in history, you mean that you read it in the history of the State of Mississippi? A Yes, sir.

By Commission:

Any further statements you want to make at this time in support of your application? A No, sir.

(The applicant has the appearance of being a white man, and shows no indication of being possessed of Indian blood. He has dark complexion, dark eyes and dark hair; he does not speak or understand the Choctaw language, and has no positive knowledge that any of his ancestors ever complied with the provisions of the fourteenth article of the treaty of Dancing Rabbit Creek, although he testified that one, Che-kach-yo, a distant ancestor did, according to his family tradition, attempt to comply with the provisions of the fourteenth article of the treaty of Dancing Rabbit Creek, and that he at one time secured land in Mississippi from the Government, but for some reason was unable to retain it.)

Tandy L. Caver, 9.

R. S. Streit, having been first duly sworn, upon his oath states that as stenographer to the Commission to the Five Civilized Tribes, he reported in full all proceedings had in the above entitled cause at Muskogee, Indian Territory, on the 24th day of June, 1902, and that the above and foregoing is a full, true and correct translation of his stenographic notes of said proceedings in said cause upon said date.

Subscribed and sworn to before me at Muskogee, Indian Territory, this 15th Day of July, 1902.



Notary Public

Commissioner in Charge.

M.C.R. 5872

Muskogee, Indian Territory, July 30, 1902.

Thomson & Harrison,
Attorneys at Law,
Muskogee, Indian Territory.

Gentlemen:

Receipt is hereby acknowledged of your letter of the 28th inst., enclosing the joint affidavit of G. W. Flexen, B. McCuller, J. H. Wallace and W. M. Crawford, which you offer in support of the application made by Tandy L. Caver, for identification as a Mississippi Choctaw.

The same has been filed with the record in this case.

Yours truly,

Acting Chairman.

M C H 8872.

Muskogee, Indian Territory, August 8, 1932.

Thomas A. Harrison,

Attorneys at Law,

Muskogee, Indian Territory.

Gentlemen:

Receipt is hereby acknowledged of your letter of the 2d inst., enclosing certified copy of marriage record between H.B. Caver and H.E. Story, which you offer for filing in support of the application of Randy L. Caver for identification as a Mississippi Shooter, and the same has been filed with the record in this case.

Yours truly,

Acting Chairman.

Muskogee, Indian Territory, January 5, 1903.

Tandy L. Caver,

Shawnee, Oklahoma Territory.

Dear Sir:

You are hereby advised that on the 5th day of January, 1903, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Alice Gardner, et al., embracing the following applications for identification as Mississippi Choctaws:

| | |
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| Alice Gardner, et al. | M.C.R. 5574 |
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| Cassie Bates, et al. | M.C.R. 5576 |
| Minnie Smith | M.C.R. 5577 |
| John M. Smith | M.C.R. 5578 |
| James O. Smith | M.C.R. 5579 |
| Nancy Yocum, et al. | M.C.R. 5580 |
| Philip Jumper, et al. | M.C.R. 5593 |
| William C. Furtick, et al. | M.C.R. 5871 |
| Tandy L. Caver | M.C.R. 5872 |
| Thomas S. Smith, et al. | M.C.R. 5882 |
| John E. Everett, et al. | M.C.R. 5893 |
| Ella Lewis, et al. | M.C.R. 5884 |
| Willie Drewry | M.C.R. 5885 |
| Charles J. Smith | M.C.R. 5886 |
| Mary Jones, et al. | M.C.R. 5898 |
| Will Yocum | M.C.R. 5899 |
| John Yocum | M.C.R. 5900 |
| William W. Furtick | M.C.R. 6068 |
| Jefferson D. Furtick, et al. | M.C.R. 6070 |

Tandy L. Caver, --3

| | |
|--------------------------|-------------|
| Frank M. Furtick, et al. | M.C.R. 6071 |
| Willie Dearing, et al. | M.C.R. 6072 |
| Eliza Michael, et al. | M.C.R. 6073 |
| William A. Jumper | M.C.R. 6074 |
| George A. Jumper, et al. | M.C.R. 6075 |
| James A. Yates, et al. | M.C.R. 6076 |
| Billo El Yates, et al. | M.C.R. 6077 |
| Frank Jumper | M.C.R. 6087 |
| George Jumper, et al. | M.C.R. 6236 |
| Moses Jumper | M.C.R. 6237 |
| Bettie Cheves, et al. | M.C.R. 6320 |
| George A. Everett | M.C.R. 6321 |

These applications were made under the provision of the act of Congress of June 28, 1898 (30 Stats., 459), which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto and make report to the Secretary of the Interior."

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Alice Gardner, E. J. Gardner, Jennie Gardner, Albert Gardner, Charles F. Gardner, Samuel E. Hunt, Oliver R. Hunt, Henry D. Hunt, Eddie F. Hunt, Lelia E. Hunt, Samuel D. Hunt, Susan F. Hunt, Jessie Hunt, William F. Hunt, Boyd F. Hunt, Rezekiah B. Hunt, Josephine Hunt, Eliza V. Hunt, Minnie F. Hunt, Eva E. Hunt, Virginia Jumper, Sam Jumper, John W. Jumper, Annie F. Jumper, Dug Jumper, Hattie B. Jumper, Dixon F. Jumper, James Levi Jumper, Jennie I. Miller, Cassie Bates, Archie Patton, Hester Patton, Bessie Bates, Alice Bates, Johnnie Bates, Eugene Bates, Minnie Smith, John M. Smith, James G. Smith, Nancy T. Yocum, Minnie Yocum, Clinton Yocum, Clifton Yocum, Pearlle Yocum, Ola Yocum, Philip Jumper, Katie Jumper, Mark

Tandy L. Caver, ---3

Juniper, Marvin Juniper, William C. Furtick, Clara Furtick, Sallie Furtick, Pet Furtick, Ruth Furtick, Tandy L. Caver, Thomas S. Smith, Charlotte Smith, Wona Smith, John E. Everett, Sherman L. Everett, Frank C. Everett, Ella Lewis, Orra Lewis, Edwin C. Lewis, Altie P. Lewis, Irvin A. Lewis, Willie Drowry, Charles J. Smith, Mary Jones, Gussie Jones, Gracie Jones, Will Yocom, John Yocom, William E. Furtick, Jefferson D. Furtick, Jeffie Furtick, Emma L. Furtick, Eugenia Furtick, Frank M. Furtick, Frankie Furtick, Alice Furtick, Louis Furtick, Sallie Dearing, Mary Dearing, Jim Dearing, Alexander, B. Dearing, Eliza Michael, Andrew Carpenter, James Carpenter, Ollie Carpenter, Dollie Lee Carpenter, Lula Michael, William A. Juniper, George A. Juniper, Pink Juniper, Ed Juniper, Minnie Juniper, Arthur Juniper, Sam Juniper, James A. Yates, Lonnie Yates, Mattie Frances Yates, Bill E. Yates, Frank Juniper, George Juniper, Ned Juniper, Ben Juniper, Dan Juniper, Harvey Juniper, Moses Juniper, Beatie Cheves, Mary Cheves, Hamilton Cheves, Lewis Cheves, Freddie Cheves, Johnnie Cheves and George A. Everett as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the applications for their identification as such should be refused, and it is so ordered."

You are further advised that you will be allowed fifteen days from the date hereof within which to file arguments in this office, and that at the expiration of said time the papers in the case, together with such arguments will be forwarded to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

Acting Chairman.

Registered.

MCR-5872

Muskogee, Indian Territory, February 28, 1907.

Tandy L. Caver,
Corinth, Mississippi.

Dear Sir:-

You are hereby notified that the Secretary of the Interior, on February 15, 1907, affirmed the decision of the Commission to the Five Civilized Tribes of January 5, 1903, refusing to identify, as Mississippi Choctaws, the several applicants in the consolidated case of Alice Gardner et al.

Respectfully,

Commissioner.

No. 5872

For Identification as a Mississippi Choctaw.

Date

Name *Tandy L Caver*

Age *22* Blood *1/6*

Post-Office *Shawnee Okla.*

Father: *Henry Caver*

Mother: *Mollie*

Claims through *Father*

Children:

For Sep only.

Stenographer

R. S. Strait

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

FILED

APR 7 1903

RECORDED
1903
F.B.

Department of the Interior.

Commission to the Five Civilized Tribes,

MUSKOGEE, IND. TER.

OFFICIAL BUSINESS

Penalty for private use, \$300.



129
Tandy L. Caver,
Shawnee, Oklahoma.

Choctaw MCR 5873

John Blakely

See MCR 2857

MCR 5873

5873
Department of the Interior.
Commission to the Five Civilized Tribes.
Muskogee, Indian Territory, June 25, 1902.

---O---

In the matter of the application of John Blakeley for the identification of himself and his three minor children, Sidney, Lissie, and Flora Blakeley as Mississippi Choctaws.

John Blakeley being first duly sworn testified as follows:

Examination by the Commission:

- Q What is your name? A John Blakeley.
Q B-l-a-k-e-l-e-y? A B-l-a-k-e-l-e-y; two "e"s.
Q How old are you? A Fifty-eight years old lacking a few days.
Q How much Choctaw blood have you? A One-eighth.
Q What's your post office address? A Newton, Mississippi.
Q In Newton County, Mississippi? A Yes sir; Newton County.
Q How long have you lived in Newton County, Mississippi? A All my life except during the war; born and raised there.
Q Is your father living? A No sir.
Q What was his name? A John Blakeley.
Q Is your mother living? A No sir.
Q What was her name? A Jane Blakeley. What her maiden name?
Q No. Through which one of your parents do you derive your Choctaw blood? A My father.
Q How old would he be if he were living now? A He would be ninety odd years old; about ninety-four or five, if he was living; about ninety-four or five.
Q Where was he born? A He was born in Wayne County, Mississippi.
Q Did he live in the State of Mississippi all his life?
A Yes sir.
Q Do you remember the exact year in which he was born? Your father? A No I don't know the exact date - yes I do.
Q What year? A 1809.
Q Was your father ever in the Indian Territory to your knowledge? A No sir he never was.
Q Never was recognized or enrolled by the Choctaw tribal authorities in Indian Territory as a member of that tribe? A No.
Q Through which one of his parents did he get his Choctaw blood? A His mother.
Q What was her name? A Elizabeth Smith was her maiden name.
Q Elizabeth Smith; was she born in Mississippi? A Yes sir.
Q Lived there all her life? A That's my understanding.
Q Are you married? A I am.
Q Is your wife living? A She is.

John Blakeley--2.

- Q Has she any Choctaw blood? A None.
Q What's her name? A Martha Jane.
Q You make no claim for her? A None at all.
Q Have you any minor children who are unmarried? A I have.
Q How many? A Five.
Q None of them are married? A None of the minors are married.
Q What are the names and ages of these children, the oldest first. A That oldest one is James A. Blakeley.
Q How old? A About twenty-eight.
Q I mean the minor children. A My oldest minor is --
Q I have sometimes a trouble in my blood -- I will tell directly. Sidney is the oldest one under age.
Q What I want is the name of your eldest one who is a minor and unmarried? A That's him. Sidney Blakeley.
Q How old is Sidney? A About twenty years old.
Q The next one? A The next one is Lissie.
Q How old is Lissie? A She's about seventeen.
Q The next one? A Flora.
Q How old is Flora? A She's about sixteen.
Q The next one? A She's the baby child.
Q Flora is? A Yes sir.
Q Then you have only three minor children instead of five?
A Three minors and two over twenty-one years.
Q Are these three minor children living with you at this time? A Yes.
Q Are they the children of yourself and Martha J. Blakeley? A Yes sir.
Q This application then is for yourself and three minor children? A That's correct.
Q What are the names of your children who are of age? A The oldest one is Edward Lee Blakeley.
Q The next one? A James A. James Alonso.
Q Have they been before this Commission as applicants for identification as Mississippi Choctaws? A No.
Q Have you any children dead? A There's one more boy. Laurence Leslie. One dead, Oscar.
Q How has Laurence been before the Commission? A No.
Q How old was Oscar at the time of his death? A Nine years old.
Q Were you lawfully married to Martha J. Blakeley?
A I was.
Q Where? A In Morton, Mississippi; Scott County.
Q When? A In 1869; December 23rd.
Q Who married you? A A Minister; I can't remember his name.
Q Have you your license with you? A No sir.

It will be necessary for you to furnish the Commission with proper evidence of your marriage to Martha J. Blakeley for use in the consideration of the application you make in behalf of your three minor children; this evidence should be furnished within ten days from to-day.

- Q Is your name or the names of any of your children on

- on any of the Choctaw tribal rolls in the Indian Territory? A They are not.
- Q You have never made any application in your own behalf or in behalf of any of these children to the Choctaw tribal authorities in Indian Territory to be admitted or enrolled as members of that tribe have you? A No.
- Q Did you or anyone for you or anyone for these children in the year 1896 make application to this Commission for citizenship in the Choctaw Nation for yourself and any one of these three children? A No.
- Q Then none of you have ever been admitted to citizenship in the Choctaw Nation Indian Territory? A No.
- Q Have you ever made any application of any description before to-day either in your own behalf or on behalf of these children for the purpose of establishing your rights as Choctaw Indians? A No.
- Q You appear before the Commission at this time for the purpose of claiming rights in the Choctaw lands in Indian Territory for yourself and three minor children under the provisions of the fourteenth article of the treaty of Dancing Rabbit Creek? Do you? A I do.

This treaty of Dancing Rabbit Creek was entered into in the state of Mississippi on the 27th day of September 1830, between the government of the United States and the Choctaw tribe of Indians; at the time this treaty was made, the Choctaws lived in the state of Mississippi and along the western edge of the state of Alabama in what is known as the old Choctaw Nation; the object of the treaty was to get those Indians to move from the country occupied by them in Mississippi and Alabama to a new country west of the Mississippi river, part of which is now occupied by the greater portion of the Choctaw tribe of Indians and is commonly known as the Choctaw-Chickasaw Country in Indian Territory. At the time the treaty was made, some of those Indians were unwilling to leave the old nation, and for the benefit of those Indians who preferred to stay there, what is known as the fourteenth article was put into the treaty; that fourteenth article provided that upon certain conditions the Choctaws who preferred to remain in the old nation and not come out west to the new country might receive land in Mississippi from the government. It is as follows:

"Each Choctaw head of a family being desirous to remain and become a citizen of the States shall be permitted to do so by signifying his intention to the agent within six months from the ratification of this treaty and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land to be bounded by sectional lines of survey; in like manner shall be entitled to one-half that quantity for each unmarried child which is living with him over ten years of age and a quarter section to each child as may be under ten years of age to adjoin the location of the parent. If they reside upon said lands, intending to become citizens of the States for five years after the ratification of this treaty, in that case a grant in fee simple shall issue. Said reservation shall include the present improvement of the head of the family or a portion of it. Persons who claim under this

article shall not lose the privilege of a Choctaw citizen but if they ever remove are not to be entitled to any portion of the Choctaw annuity."

- Q You understand this fourteenth article do you? A I do
- Q Did any of your ancestors ever comply or attempt to comply with its provisions or ever receive any benefits under that article? A They did not.
- Q You are quite sure of that are you? A I am.
- Q Did any of them own any improvements in what constituted the old Choctaw Nation in Mississippi and Alabama in the year 1830 when the treaty of Dancing Rabbit Creek was made. A My grandfather and grandmother - yes sir.
- Q What was your grandfather's name? A John Blakeley.
- Q Where did they live at that time? A They lived in Newton County.
- Q Do you know whether they owned any improvements there at that time? A That's my understanding from hearing them talk; of course I wasn't living but I heard them talk it time and again about his living there certain dates.
- Q When did he move there? A My understanding is about '29; 1829 or '30; somewhere along there.
- Q Where from? A Wayne County, Mississippi.
- Q Do you know whether any of your Choctaw ancestors within six months from the time this treaty of Dancing Rabbit Creek was ratified, let the government Indian Agent in Mississippi for the Choctaws know that they wanted to stay in Mississippi and become citizens of the states and take land? A I do not.
- Q Did any of them remove to the present Choctaw Nation in Indian Territory at the time of the removal of the greater portion of the Choctaw tribe of Indians between 1833 and 1838? A No.
- Q Did any of them ever claim or receive any land in the state of Mississippi from the government of the United States under the provisions of the fourteenth article of the treaty of Dancing Rabbit Creek? A No.

In accordance with the provisions of the fourteenth article of the treaty of Dancing Rabbit Creek the government of the United States directed an agent in the state of Mississippi to register the names of such Choctaws as might desire to remain in Mississippi, become citizens of the states and take land; the records of the government show that this agent failed to register and report to the government the names of many Choctaws who did in fact let him know they wanted to stay and take land and on this account, the government at its public land sales in Mississippi, in many instances sold land on which Choctaws lived and had improvements and which they supposed they would receive under the fourteenth article of the treaty. This caused a great many complaints among the Indians and the matter was finally brought to the attention of Congress and Congress passed certain acts between the years 1837 and 1842 providing for the appointment of Commissioners to go down to Mississippi and hear the cases of Choctaws who claimed they had complied in all respects with the pro-

John Blakeley--5.

visions of article fourteen of the treaty of Dancing Rabbit Creek but that their land had been sold by the government; these commissioners were duly appointed by the President of the United States and they went to Mississippi and heard a great many of those Choctaw cases.

Q Did any of your ancestors appear before these Commissioners and attempt to establish their rights under the fourteenth article of the treaty of Dancing Rabbit Creek? A None that I know of at all.

An act of Congress approved on the 23rd day of August 1842 provided that in case it should be finally decided that a Choctaw had complied in all respects with the provisions of the fourteenth article of the treaty of Dancing Rabbit Creek but that this land had been sold by the government at its public land sales, he should be entitled to select in place of the land so sold by the government, land in Mississippi, Alabama, Louisiana or Arkansas to be taken from vacant government land and should be given a certificate to that effect; these certificates were called scrip.

Q Did any of your ancestors ever get any of this scrip from the government of the United States under this act of Congress? A None that I know of; they did not.

Q So far as you know did any of your Choctaw ancestors ever receive any benefits as Choctaw Indians? A None at all.

Q None were ever recognized as members of the tribe? A None so far.

Q Do you know of any old persons who would likely know whether any of your Choctaw ancestors ever complied or attempted to comply with the provisions of the fourteenth article of the treaty of Dancing Rabbit Creek or ever received any benefits under that article? A I don't know that I do.

Q Do you know of any ~~such~~ written evidence of any description which would prove or tend to prove such a state of facts? A I do not.

Q Have you any written evidence to offer in support of your application? A No sir.

Q Have you any witnesses here today to testify in your behalf? A My kinmen here is all.

Q They are here for the purpose of making application in their own behalf are they not? A I have my first cousin here - Blakeley - we were raised in the same county together.

Q What's this man Blakeley's given name? A William.

Q Has he already appeared before the Commission? A He has.

Q How old was your father when he married? A About thirty years old.

Q Do you know in what month he was born? A No sir, I don't know exactly; I think though it was about January.

Q January 1809? A I think it's about that time; he was born in 1809; I've heard him speak of it time and again.

Q Have you any brothers living? A I have.

John Blakeley--6.

- Q How many? A I have one brother living.
Q What's his name? A His name is Oscar.
Q Has he been before this Commission? A He has not.
Q Have you any sisters living? A Yes.
Q How many? A Two.
Q What are their names? A Jane.
Q Jane what? A My oldest sister married Mitchell - Jane E Mitchell.
Q The next sister? A Is Melissa Norman.
Q Have they been before the Commission? A They have not.
Q Have you any brothers dead? A Yes.
Q How many? A Two.
Q Did ~~any~~ either of them leave children? A No; Yes one of them left one child.
Q What was the name of your brother who left one child?
A Marshall Blakeley.
Q Is that child living - his child? A I think it is; it's quite away from me but I think it is.
Q What's the child's name? A I don't remember it's name.
Q Have you any sisters dead? A Yes.
Q How many? A I have three.
Q Did any of them leave children? A No.
Q Has your father any brothers living? A None at all.
Q Has he any sisters living? A Yes he has two according to my understanding.
Q What are their names? A Betsey Williamson and Albenna Barrett.
Q Have they been before the Commission? A I think one of them - Betsey - has.
Q Has your father any brothers dead? A Yes sir.
Q How many? A He has four; there was five in all; they are all dead; there's four besides himself.
Q Did his brothers leave children - all of them? A All except one; Uncle Nathan he died while a boy.
Q What relation is William S. Blakeley to you? A First cousin.
Q He's the son of one of your father's brothers. A Yes.
Q What was the name of William S. Blakeley's father?
A Jim Blakeley.

Reference is hereby made to M.C.R. 5066 William S. Blakeley et al., also consolidated case M.C.R. 2857.

- Q Are there any farther statements you want to make at this time in support of your application? A I have not.
Q You don't speak or understand the Choctaw language do you?
A Well I used to speak it tolerably well but I lost sight of it considerably lately; I speak it some yet.
Q If you should find any witnesses whose testimony you desire to have taken before the Commission they may appear before us here in Muskogee within a period of ten days and their testimony will be taken, or if you should find any written evidence of any kind which you desire to offer, any such evidence which may be received within ten days from to-day will receive the consideration of the Commission.

The applicant has the appearance of being a white man; shows no particular indication of being possessed of Indian blood although he has dark complexion, dark

John Blakeley--9.

hair and eyes; has rather prominent cheek bones; & aims to speak some Choctaw; he has no knowledge of compliance on part of any of his ancestors with the provisions of the fourteenth article of the treaty of Dancing Rabbit Creek.

Clara Mitchell Wood being first duly sworn upon her oath states that as stenographer for the Commission to the Five Civilized Tribes she reported in full all proceedings had in the above entitled cause on the 25th day of June 1902 and that the above and foregoing is a full true and correct transcript of her stenographic notes of said proceedings on said date

Clara Mitchell Wood

Subscribed and sworn to before me this 25th day of June 1902.

William J. Martin
Notary Public.

Department of the Interior.
Commission to the Five Civilized Tribes.
Muskogee, Indian Territory, June 25, 1902.

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In the matter of the applications of

John Blakeley, et al., M.C.R. 5873,
Albany Kennedy, et al., M.C.R. 5874,
Mary Frances Knewles, et al., M.C.R. 5875,
Sarah A. Harris, et al., M.C.R. 5876,
Thomas L. Kenns dy, M.C.R. 5877,
R.E. Kennedy, et al., M.C.R. 5878,

for identification as Mississippi Choctaws.

Williams S. Blakeley, a witness being first duly sworn testified as follows:

Examination by the Commission:

- Q What is your name? A William S. Blakeley.
Q How old are you Mr. Blakeley? A Fifty-three years old.
Q What's your post office address? A Purmellia, Texas.
Q Are you the William S. Blakeley who appeared before the Commission at Muskogee, Indian Territory on the 3rd day of April 1902 and made application for identification of yourself and three minor children as Mississippi Choctaws?
A Yes sir.
Q Are you acquainted with Albany Kennedy? who appeared before the Commission here this morning? A Yes sir.
Q What relation is she to you? A Sister.
Q Full sister? A Yes sir, full sister.
Q Are you acquainted with John Blakeley who appeared before the Commission here this morning? A Yes sir.
Q What relation is he to you? A Own cousin.
Q His father and your father were full brothers? A Yes sir.
Q Are you acquainted with Mary F. Knewles? A Yes sir.
Q What relation is she to you? A Niece.
Q Are you acquainted with Sarah A. Harris? A Yes sir.
Q What relation is she to you? A Niece.
Q Acquainted with Thomas L. and Robert E. Kennedy? A Yes sir.
Q Are they full brothers? A Yes sir.
Q What relation to you? A Nephews.
Q What is the name of their mother? A Albany Kennedy.
Q She has appeared before the Commission this morning? A Yes sir.
Q Have these people lived in Mississippi all their lives?
A Yes sir.

This applies to M.C.R. 5873 to 5878 inclusive.

Clara Mitchell Wood being first duly sworn upon her oath states that as stenographer for the Commission to the Five Civilized Tribes she reported in full all proceedings

William S. Rickelley--2.

had in the above entitled cause on the 25th day of June
1902 and that the above and foregoing is a full, true and
correct transcript of her stenographic notes of said pro-
ceedings on said date.

Christine Wood
Subscribed and sworn to before me this 27th day of June 1902.

William F. Martin
Notary Public.

Miss. Chootaw R5873

Muskogee, Indian Territory, July 3, 1902.

John Plakeley,

Newton, Mississippi,

Dear Sir:

Receipt is hereby acknowledged of your letter of June 30, inclosing a letter from the Clerk of the Circuit Court of Scott county, Mississippi, stating that your marriage license and certificate were destroyed by fire. You state that you will secure the affidavits of witnesses to your marriage and forward in support of your application for the identification of yourself and your minor children as Mississippi Chootaws.

In reply to your letter you are informed that if you cannot secure a certified copy of your marriage license and certificate, it will be necessary for you to forward to the Commission the certificate of the Clerk of the Court for the county in which the marriage was performed, to the destruction of the records, together with the affidavits of at least two disinterested persons who were present at your marriage, as evidence of such marriage. The letter of the Clerk is herewith returned to you.

Yours truly,

Miss. Chontaw PAGE

Muskogee, Indian Territory, July 3, 1902.

John Blakeley,

Newton, Mississippi,

Dear Sir:

Receipt is hereby acknowledged of your letter of July 3, inclosing joint affidavit of W. M. McGough and A. S. Page to your marriage to Martha J. Page on December 23, 1869, and the same has been filed with the record in your case. As you were advised in our letter of July 3, 1902, before this affidavit can be accepted as conclusive evidence of your marriage it will be necessary for you to forward to the Commission the certificate of the Clerk of the Court for the county in which the marriage took place of the destruction of the marriage records and your inability to procure a certified copy of the license and certificate under which you were married to Martha J. Page.

Yours truly,

Acting Chairman.

Miss. Chas. 5878

Muskogee, Indian Territory, July 17, 1902.

John Blakeley,

Newton, Mississippi,

Dear Sir:

Receipt is hereby acknowledged of your letter of the 10th instant, enclosing certificate of J. L. Farmer, Circuit Clerk of Scott County, Mississippi, to the effect that the marriage records for said County for the year 1870 have been destroyed, and the same has been filed with the record in the application made by you for the identification of yourself and minor children as Mississippi Choctaws.

Yours truly,

Acting Chairman.

H.C.R. 2873.

Muskogee, Indian Territory, August 18, 1908.

John Blakely,

Newton, Mississippi.

Dear Sir:

Receipt is hereby acknowledged of your letter of the 16th inst., wherein you ask to be advised of the present status of your claim.

In reply, you are informed that it appears from the records of the Commission that you are an applicant for the identification of yourself and your minor children as Mississippi Choctaws.

No decision has yet been reached nor opinion rendered relative to the right of yourself and children to such identification. As soon as a decision is rendered, you will be duly notified thereof, and of the forwarding of the record to the Secretary of the Interior for review.

Yours truly,

Acting Chairman.

M.C.R. 5873.

Muskogee, Indian Territory, December 22, 1902.

John Blakeley,
Newton, Mississippi.

Dear Sir:

Receipt is hereby acknowledged of your letter of the 17th instant, in which you ask to be advised the present status of your claim.

In reply you are informed that it appears from the records of the Commission that you are an applicant for identification of yourself and minor children as Mississippi Choctaws.

The Commission has not, up to the present time, reached any opinion or decision in your case, but is now considering your application and it is probable that a decision will be rendered in the near future.

You will be duly notified of the action of the Commission and of the forwarding of the record to the Secretary of the Interior.

Respectfully,

Acting Chairman.

COMMISSIONERS
HENRY L. DAWES,
TAMM BIXBY,
THOMAS B. NEEDLES,
C. R. BRECKINRIDGE.

ALLISON L. AVLESWORTH,
SECRETARY

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

REFER IN REPLY TO THE FOLLOWING:

M.C.R. 5873.

Muskogee, Indian Territory, January 23, 1903.

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES

John Blakeley,

Newton, Mississippi.

You are hereby advised that on the 23rd day of January, 1903, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Tempie McAllister, et al., embracing the following applications for identification as Mississippi Choctaws:

| | |
|--------------------------------|------------|
| Tempie McAllister, et al., | M C R 2857 |
| Robert E. Lee, et al., | M C R 1468 |
| Melissa Boyd, | M C R 1485 |
| Ethel Sherrer, | M C R 1486 |
| Fred Lee, | M C R 1491 |
| Vernile Lee, | M C R 1492 |
| Jacob C. Lee, et al., | M C R 1515 |
| Nannie Wood, et al., | M C R 1516 |
| Claudia Murray, et al., | M C R 1517 |
| George W. Lee, et al., | M C R 1518 |
| Shade Gore, | M C R 1519 |
| Nancy A. Williams, et al., | M C R 1748 |
| Hiram Blakeley, et al., | M C R 2541 |
| William Lee, et al., | M C R 2559 |
| Jacob H. Lee, | M C R 2694 |
| Nancy A. Schmidt, et al., | M C R 2695 |
| Fred B. Lee, | M C R 2696 |
| Lillian Thomas, et al., | M C R 2853 |
| Margie Adams, et al., | M C R 2854 |
| Oral Boyd, et al., | M C R 2855 |
| William D. Williamson, et al., | M C R 2856 |
| Arcada DuBose, et al., | M C R 2858 |
| Albert Edward Boyd, | M C R 2859 |
| Olive Smith, et al., | M C R 2888 |
| William Cary DuBose, | M C R 2889 |
| J. Dale Adams, | M C R 2898 |
| William L. Blakley, | M C R 2890 |
| Sarah M. Adams, et al., | M C R 2901 |
| Merlin C. Adams, et al., | M C R 2902 |
| Thomas B. Ross, et al., | M C R 2903 |
| Arthur A. Ross, et al., | M C R 2904 |
| Mattie Forsythe, et al., | M C R 2997 |
| Maria Gipson, et al., | M C R 3189 |
| Lawrence L. Boyd, et al., | M C R 3154 |
| Joseph K. Boyd, et al., | M C R 3155 |
| Nora B. Hilley, | M C R 3156 |
| William F. Walker, | M C R 3157 |
| John Owens, | M C R 3158 |

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|--------------------------------|-------|------|
| William J. Adams, | M C R | 3854 |
| Cynthia Adams Hill, et al., | M C R | 3863 |
| William M. Blakeley, et al., | M C R | 4148 |
| Ida Culame, et al., | M C R | 1487 |
| Mollie Blacklidge, | M C R | 1489 |
| Aleck Blacklidge, et al., | M C R | 1490 |
| Lula Haskins, et al., | M C R | 1488 |
| John Jordan, et al., | M C R | 1469 |
| Frances O. Vollentine, et al., | M C R | 5063 |
| John T. Vollentine, | M C R | 5064 |
| Callie V. Bryant, et al., | M C R | 5065 |
| William S. Blakeley, et al., | M C R | 5066 |
| James E. Blakeley, et al., | M C R | 5067 |
| Ralph Tyler, | M C R | 5068 |
| Walter S. Blakeley, et al., | M C R | 5069 |
| Mary M. Bird, et al., | M C R | 5321 |
| Cora Langston, et al., | M C R | 5322 |
| Annie C. Lawhon, et al., | M C R | 5323 |
| Laura E. Bird, et al., | M C R | 5324 |
| Oscar Thomas Boyd, et al., | M C R | 5448 |
| John Blakeley, et al., | M C R | 5873 |
| Albany Kennedy, et al., | M C R | 5874 |
| Mary Frances Knowles, et al., | M C R | 5875 |
| Sarah A. Harris, et al., | M C R | 5876 |
| Thomas L. Kennedy, | M C R | 5877 |
| Robert E. Kennedy, et al., | M C R | 5878 |
| James Overstreet, et al., | M C R | 499 |
| Thomas J. Overstreet, et al., | M C R | 500 |
| William H. Overstreet, | M C R | 503 |
| Belle Rape, et al., | M C R | 504 |
| Cornelius L. Overstreet, | M C R | 505 |
| Riley Overstreet, et al., | M C R | 506 |
| Rebecca Overstreet, et al., | M C R | 507 |
| John A. Overstreet, et al., | M C R | 508 |
| John F. Overstreet, et al., | M C R | 554 |
| Emma Simpson, et al., | M C R | 674 |

These applications were made under the provision of the act of Congress of June 28, 1898 (30 Stats., 495) which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto and make report to the Secretary of the Interior."

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Tempie McAllister, Bernice McAllister, Bruce McAllister, Robert E. Lee, Remah Lee, Ruth Lee, Robert Lee, Bessie Lee, Stella Lee, Melissa Boyd, Ethel Sherrer, Fred Lee, Vernile Lee, Jacob C. Lee, William Lee, Ray Lee, Jessie D. Lee, Jacob W. Lee, Clairbel Lee, Nannie Wood, Sybil Wood, Lula H. Wood, Claudia Murray, Emmit Murray, George W. Lee, Mary A. Lee, Laura M. Lee, Jacob W. Lee (2), George E. Lee, William S. Lee, Benjamin Lee, Winnie Lee, Shade Gore, Nancy A. Williams, George Washington Williams, Rhoda Williams, Elisha A. Williams, Hiram Blakeley, Ella Blakeley, Annie Blakeley, Johnnie Blakeley, William Lee (2), Robert E. Lee (2), William N. Lee, Zorah E. Lee, Dora A. Lee, Granville H. Lee, Jacob H. Lee, Nancy A. Schmidt, Johnnie H. Schmidt, Fred B. Lee, Lillian Thomas, Josie Thomas, Charles Porter Thomas, William Vernon Thomas, Robert Oral Thomas, Anna Thomas, Ira Thomas, Nettie Thomas, Margie Adams, Leila N. Adams, Willie M. Adams, Robert Adams, Lizzie Adams, John David Adams, Jeff Adams, Jennie Adams, Sallie Lou

Adams, Oral Boyd, Amanda May Boyd, Lillie Gertrude Boyd, William Curtis Boyd, William D. Williamson, Edgar Williamson, Joseph D. Williamson, Fannie Williamson, Annie Williamson, Jewel Williamson, Susie Williamson, William Cary Williamson, Arcada DuBose, Hiram H. Walker, Henry Walker, Jim Walker, Albert Edward Boyd, Olive Smith, Charlie Smith, William Cary DuBose, Hattie V. DuBose, Robert Chester DuBose, C. B. DuBose, J. Dale Adams, William L. Blakeley, Sarah M. Adams, W. Lynn Adams, Merlin C. Adams, Wallace Adams, Thomas B. Ross, Lilly May Ross, Vounie Bysmark Ross, David Harnett Ross, William Malcolm Ross, Scenie Vore Ross, Arthur A. Ross, Tomma Ross, Media Ross, Mallia Ross, Ollie Mildred Ross, Mattie Forsythe, Freddy Forsythe, Burtty Forsythe, Maria Gipson, James Owens, Eugene Owens, Florence Owens, Conrad Gipson, Dalton Gipson, Lawrence L. Boyd, Henry Boyd, Gussie Boyd, Richard Boyd, Beatrice Boyd, Joseph K. Boyd, Froni Boyd, Frances Boyd, Allene Boyd, Nora B. Hilley, William F. Walker, John Owens, William J. Adams, Cynthia Adams Hill, Ermine Hill, Mark Hill, Annie Hill, Ada Hill, Robert Hill, William H. Blakeley, Ada R. Blakeley, Walter R. Blakeley, Thomas I. Blakeley, Francis J. Blakeley, Della Blakeley, Ida M. Blakeley, Hiram Blakeley (2), Ira J. Blakeley, Edgar Blakeley, Ida Calume, Della Calume, Bessie Calume, Nora Calume, Mollie Blackledge, Aleck Blackledge, Ellen Blackledge, Lee Blackledge, Leonard Blackledge, Lula Haskins, Rebecca Haskins, Minnie Haskins, Thomas Haskins, Lee Haskins, Vivian Haskins, Nellie Haskins, John Jordan, Elmer Jordan, Austin Jordan, Robert Jordan, Joseph B. Jordan, Effie M. Jordan, James Monroe Jordan, Frances O. Vollentine, Alice A. Vollentine, Edgar O. Vollentine, Mattie L. Vollentine, Ernest E. Vollentine, John T. Vollentine, Callie V. Bryant, Bertha Lee Bryant, Mamie A. Bryant, Harvey Leland Bryant, William S. Blakeley, Marshal Blakeley, Homer Blakeley, Sallie Blakeley, James E. Blakeley, Minnie Lee Blakeley, William Edward Blakeley, Jesse Ray Blakeley, Ralph Tyler, Walter S. Blakeley, Ida L. Blakeley, Robert L. Blakeley, Albert H. Blakeley, Edgar D. Blakeley, Lucy Emma Blakeley, Claud C. Blakeley, Ernest V. Blakeley, Mary M. Bird, Mollie H. Bird, Gracie H. Bird, Alfred M. Bird, Carl W. Bird, Cora Langston, Elmer N. Langston, Annie C. Lawhon, Ferrel Young Lawhon, Frank George Lawhon, Laura E. Bird, Cleary C. Bird, Roy Floyed Bird, William Ray Bird, Oscar Thomas Boyd, Lola Thelma Boyd, Albert Pickens Boyd, John Blakeley, Sidney Blakeley, Lizzie Blakeley, Flora Blakeley, Albany Kennedy, Phoebe Alice Kennedy, Mary Frances Knowles, Ludie William Knowles, Julia Albany Knowles, Claudie Martin Knowles, Sarah A. Harris, William Harrison Harris, Robert R. Harris, Wedom Harris, Julia Ann Harris, Thomas L. Kennedy, Robert E. Kennedy, Ada M. Kennedy, James Overstreet, Ellen Nora Overstreet, Etta May Overstreet, Viola Overstreet, Birdie Lilly Overstreet, Thomas J. Overstreet, Minnie Overstreet, Clare Overstreet, Mattie Overstreet, Wilmoth Overstreet, Coleman Overstreet, William H. Overstreet, Belle Rape, Jaunita Rape, Leslie Irving Rape, Cornelius L. Overstreet, Riley Overstreet, Rebecca Overstreet, Olivia Estella Overstreet, James Ernest Overstreet, Cora Overstreet, John A. Overstreet, John F. Overstreet, Myrtie Overstreet, Mary C. Overstreet, Emma May Overstreet, John W. Overstreet, Julius Overstreet, Emma Simpson, Roy F. Simpson, Okla Simpson and Homa Simpson, as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the applications for their identification as such should be refused, and it is so ordered.

"It is the further opinion of this Commission that under the provision of law above quoted, no person is entitled to identification as a Mississippi Choctaw by marriage, and that the applications made by James Overstreet for the identification of his wife, Martha Jane Overstreet; by Thomas J. Overstreet for the identification of his wife, Penelope R. Overstreet; by Belle Rape for the identification of her husband, William J. Rape; by Riley Overstreet for the identification of his wife, Ida Nora Overstreet; by Rebecca Overstreet for the identification of herself; by John A. Overstreet for the identification of his wife, Nora A. Overstreet; and by John F. Overstreet for the identification of his wife, Addie Overstreet, as intermarried Mississippi Choctaws, should, therefore be refused, and it is so ordered."

You are further advised that you will be allowed fifteen days from the date hereof within which to file arguments in this office, and that at the expiration of said time the papers in the case together with such arguments will be forwarded to the Secretary of the Interior, through the Commissioner of Indian Affairs.

Respectfully,

Tamm - [Signature]

Acting Chairman.

Registered.

M C R 5873

Muskogee, Indian Territory, February 7, 1903.

John Blakeley,

Newton, Mississippi.

Dear Sir:

Receipt is hereby acknowledged of your letter of January 27, in which you state that you have ascertained that the name of your great-grandfather, John Smith, is on record at Washington but you have not as yet found his wife's name. You say, however, that you do not know whether this would be of any advantage.

In reply to your letter you are informed that on January 23, 1903, the Commission rendered its decision refusing the applications of the several persons included in the consolidated Mississippi Choctaw case of Tempie McAlester, et al., of which your application has been made a part, and on the same date you were notified of this action of the Commission and advised that you would be allowed fifteen days in which to present arguments for submission to the Secretary of the Interior through the Commissioner of Indian Affairs.

On February 9, 1903, the record in your case, together with such arguments as may have been submitted, will be forwarded to the Secretary of the Interior.

Respectfully,

Acting Chairman.

Muskogee, Indian Territory, February 14, 1903.

John Blakeley,

Newton, Mississippi.

Dear Sir:

Receipt is hereby acknowledged of your letter of the 9th inst., by reference from Commissioner Breckinridge. Therein you make certain statements regarding your Choctaw ancestors, and state that you can furnish additional evidence if time is allowed you within which to secure same.

In reply to your letter, you are informed that the fifteen days from January 23, 1903, heretofore granted you within which to submit arguments in support of your claim to be forwarded to the Secretary of the Interior expired February 8, 1903.

February 9, 1903, the record in your case, together with the decision of the Commission, was forwarded to the Secretary of the Interior. Pending action thereon by him, the Commission cannot receive or consider further evidence therein.

You will be duly notified of such action as may be taken by the Secretary.

Respectfully,

Acting Chairman.

Muskogee, Indian Territory, March 19, 1903.

B. W. D. Hill,
Dawson, Texas.

Dear Sir:

Receipt is hereby acknowledged of your letter of the 12th instant, relative to the decision of the Commission refusing the application made by John Blakeley for the identification of himself and minor children as Mississippi Choctaws. You ask if the Commission will re-open this case to allow applicants to furnish additional evidence in support of their claim.

In reply you are informed that on January 23, 1903, the Commission rendered its decision refusing the application of John Blakeley, et al., applicants to this Commission for identification as Mississippi Choctaws, and on the same date the principal applicant in this case was notified by registered mail of the action of the Commission and that he would be allowed fifteen days from date of said decision within which to file arguments in support of his claim.

The fifteen days heretofore granted in this case expired on February 7, 1903, and on February 9, 1903, the record in this case, together with the decision of the Commission, was transmitted to the Secretary of the Interior. Pending action thereon

B W D H 2

by him the Commission cannot receive or consider further evidence in support of this case. The applicants in this case will be duly notified of such action as may be taken by the Secretary.

Respectfully,

Chairman.

M.C.R. 5873.

COPY.

Muskegee, Indian Territory, May 22, 1903.

John Blakeley,

Newton, Mississippi.

Dear Sir:

You are hereby notified that on the 20th day of May, 1903, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Tempie McAllister, et al., of which decision you were advised by registered mail on the 23rd day of January, 1903.

Respectfully,

T. B. McCallie.

Commissioner in Charge.

Muskogee, Indian Territory, October 31, 1903.

John Blakeley,
Newton, Mississippi.

Dear Sir:

Receipt is hereby acknowledged of your letter of the 26th instant, enclosing affidavit of Billy John in support of your application for identification as a Mississippi Choctaw.

In reply you are informed that on May 20, 1903, the Secretary of the Interior approved the decision of the Commission refusing the application made by you for the identification of yourself and three minor children as Mississippi Choctaws, of which departmental action you were duly advised on July 13, 1903.

The Commission now considers your case closed and cannot receive or consider any further evidence in support thereof. The affidavit forwarded by you is herewith returned.

Respectfully,

Commissioner in Charge.

MCR 5873

Muskogee, Indian Territory, December 6, 1906.

John Blaksley,

Newton, Mississippi.

Dear Sir :--

You are hereby notified that the Secretary of the Interior on November 24, 1906, denied a motion filed in this office June 26, 1906, by T. D. Taylor, Attorney at Law, South McAlester, Indian Territory, for rehearing in the consolidated Mississippi Choctaw case of Temple McAllister, et al.

Respectfully,

Acting Commissioner.

No. 5873

For Identification as a Mississippi Choctaw.

Date

Name John Blakeley

Age 58 Blood 1/8

Post-Office, Newton, Miss.

Father John Blakeley d

Mother Jane d

Claims through father
wife Martha J. Blakeley L
No claim for wife

Forefathers 3 children

Children.

~~James A~~

Sidney Blakeley 20

Lizzie " 17

Flora " 16

Stenographer

Clara M. Hood

Choctaw MCR 5874

Albany Kennedy

See MCR 2857

MCR 5874

Department of the Interior.
Commission to the Five Civilized Tribes.
Muskogee, Indian Territory, June 26, 1902.

In the matter of the application of Albany Kennedy
for the identification of herself and her minor child Phoebe
Alice Kennedy as Mississippi Choctaws.

Alice Kennedy being first duly sworn & testified as
follows:

Examination by the Commission:

- Q What's your name? A Albany Kennedy.
Q How old are you? A I was born in 1848.
Q That would be fifty four years old. How much Choctaw
blood have you? A One-eighth.
Q What's your post office address? A Newton.
Q Newton Mississippi; what county is that in? A Newton
County.
Q How long have you lived in Newton County? A All my
life.
Q Is your father living? A No sir.
Q What was his name? A James Blakeley.
Q Is your mother living? A No sir.
Q What was her name? A Sarah - Sarah Davis.
Q Through which one of your parents do you derive your
Choctaw blood? A Through my father.
Q Was your father a recognized or enrolled member of
the Choctaw tribe of Indians in Indian Territory?
A Not that I know of.
Q Were you? A No sir.
Q How old would your father be if living now? A About
eighty - between eighty and ninety-five somewhere
along there.
Q Was he born and raised in the state of Mississippi?
A He was born in Wayne County I think.
Q Mississippi? A Yes sir.
Q Lived in the state all his life? A Yes sir I think
so.
Q Through which one of his parents did he get his
Choctaw blood? A Grandmother.
Q His parents- his father or mother? A His mother.
Q What was her name? A Elizabeth Smith.
Q How old would she be if living now, do you know?
A No sir I do not.
Q Where was she born? A Well I don't know.
Q Did you ever hear of her ever having lived anywhere
except 'n the state of Mississippi? A No sir.
Q Were your father and mother lawfully married? A Yes
sir.
Q Have you any evidence of that fact? A Well I haven't
it with me.
Q How long did they live together as husband and wife?
A All their lives until he died.
Q That doesn't tell me how long; you will have to an-
swer the question; I don't want any prompting; just
answer the best you can; just about how long they
lived together.
A I was about eighteen when my father died I reckon or

Alice Kennedy--2.

- or nineteen; somewhere along there.
- Q How many children were born to them? A Seven.
- Q Are you married? A Yes sir.
- Q Is your husband living? A Yes sir.
- Q What's his name? A T. V. Kennedy.
- Q Has he any Choctaw blood? A No sir.
- Q You may no claim for him then? A No sir.
- Q Have you any children who are under age and unmarried?
- A I have two children unmarried, one under age and one over.
- Q Give us the name of the one who is under age and unmarried? A Phoebe Alice.
- Q How old is she? A Fifteen.
- Q Is she living with you at this time? A Yes sir.
- Q She's the child of yourself and T. M. Kennedy?
- A Yes sir.
- Q This application then is for yourself and your minor child? A Yes sir.
- Q How many children have you living who are of age? A Five.
- Q What are their names? A Mary Frances.
- Q Is she married? A Now you spelled that wrong; it's K-n-o-w-l-e-g. and Robert E.
- Q The next one? A Thomas Lee.
- Q The next one? A Sarah Ann.
- Q Is she married? A Yes sir.
- Q What is her name? A Sarah Ann Harris.
- Q The next? A James Martin.
- Q The next? A That's all.
- Q Have any of these children been before the Commission?
- A No sir.
- Q Are any of them here to-day? A Yes sir.
- Q How many? A Four- two boys and girls.
- Q Which one is it that's not here? A Martin.
- Q Is your name or the name of this child for whom you make application to be found upon any of the Choctaw tribal rolls in Indian Territory? A No sir.
- Q Has any application of any description ever been made in your behalf or in behalf of this child to the Choctaw tribal authorities in Indian Territory to be admitted or enrolled as members of that tribe?
- A No not that I know of.
- Q Was any application made in behalf of either of you in the year 1896 to the Commission to the Five Civilized Tribes for citizenship in the Choctaw Nation under the act of Congress approved June 10, 1896?
- A No sir.
- Q Then neither you nor this child have ever been admitted to citizenship in the Choctaw Nation by either the tribal authorities or the United States authorities? A No sir.
- Q You appear before the Commission at this time for the purpose of claiming rights in the Choctaw lands for yourself and one minor child under the fourteenth article of the treaty of Dancing Rabbit Creek?
- A Yes sir.

The treaty of Dancing Rabbit Creek was entered into in the state of Mississippi on the 27th day of September 1830 between

the government of the United States and the Choctaw tribe of Indians; at the time the treaty was made the Choctaws lived in the state of Mississippi and along the western edge of the state of Alabama; the object of the treaty was to get them to remove to a new country west of the Mississippi river, part of what is now occupied by the greater portion of the Choctaw tribe of Indians and is commonly known as the Choctaw-Chickasaw country. At the time the treaty was made some of those Indians were unwilling to leave the old Nation and for the benefit of those who preferred to remain what is known as the fourteenth article was put into the treaty; that article provided that upon certain conditions the Choctaws who preferred to stay in the old nation might receive land in Mississippi from the government. It reads as follows:

"Each Choctaw head of a family being desirous to remain and become a citizen of the states shall be permitted to do so by signifying his intention to the agent within six months from the ratification of this treaty and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land to be bounded by sectional lines of survey in like manner shall be entitled to one half that quantity for each unmarried child which is living with him over ten years of age and a quarter section to such child as may be under ten years of age, to adjoin the location of the parent; if they reside upon said lands intending to become citizens of the states for five years after the ratification of this

treaty in that case a grant in fee simple shall issue; said reservation shall include the present improvement of the head of the family or a portion of it; persons who claim under this article shall not lose the privilege of a Choctaw citizen but if they ever remove are not to be entitled to any portion of the Choctaw annuity".

- Q You understand that fourteenth article do you?
A Yes sir I think I do.
Q Did any of your ancestors ever comply with or attempt to comply with the provisions or receive any benefits under that article? A No sir.
Q Did any of them own any improvements in what constituted the old Choctaw Nation in Mississippi and Alabama in the year 1830 when this treaty was made? A I don't know.
Q Did any of them live there at that time to your knowledge?
A I can't tell you.
Q Did any of them remove to the present Choctaw Nation in Indian Territory at the time of the removal of the greater portion of the Choctaw tribe of Indians between the years '33 and '38? A Not that I know of.
Q Did any of them within six months after the treaty of Dancing Rabbit Creek was ratified let the agent know for the government in Mississippi for the Choctaws know they wanted to stay in Mississippi become citizens of the states and take land? A Not that I know of.
Q Did any of them ever claim or receive any land in Mississippi from the government of the United States?

under the fourteenth article of the treaty of Dancing Rabbit Creek? A Not that I know of.

Q Did any of them ever receive any land from the government under the fourteenth article of this treaty or under any other provision of ~~that~~ the treaty? A Not that I know of.

Q In accordance with the provisions of this fourteenth article of the treaty of Dancing Rabbit Creek the government of the United States directed an agent in the state of Mississippi to register the names of such Chotaws as might desire to remain and take land and become citizens of the states; the records of the government show that this agent failed to register and report to the government the names of ~~many~~ Chotaws who did in fact let him know they wanted to stay and become citizens of the states and take land under this article; on this account the government at its public land sales in Mississippi sold land on which the Indians lived and had improvements and which they supposed they would receive under the fourteenth article of the treaty of Dancing Rabbit Creek. This caused a great deal of complaint and the matter was finally brought to the attention of Congress and Congress ~~and under~~ certain acts between the years 1837 and 1842 provided for the appointment of Commissioners to go to Mississippi and hear the cases of Chotaws who claimed they had complied in all respects with the provisions of the fourteenth article of the treaty of Dancing Rabbit Creek but that the land had been sold by the government; these commissioners were duly appointed by the President of the United States and they went to Mississippi and heard a great many Chotaw cases.

Q Did any of your ancestors appear before these Commissioners and attempt to establish their rights under the fourteenth article of the treaty of Dancing Rabbit Creek? A Not that I know of.

The act of Congress approved on the 23rd day of August 1842 provided that in case it should be finally decided that a Chotaw had complied in all respects with the provisions of the fourteenth article of the treaty of Dancing Rabbit Creek but that his land had been sold by the government he should be entitled to select in the place of the land so sold by the government, land in Mississippi, Alabama, Louisiana or Arkansas from vacant government land and that they be given a certificate to that effect; these certificates were called scrip.

Q Did any of your Chotaw ancestors get any of this scrip? A None that I know of.

Q So far as you know of did any of your ancestors ever receive any benefits whatever as Chotaw Indians? A No sir.

Q I then so far as you know none of them have ever been recognized members of the tribe? A No sir I don't know.

Q Do you know of any old persons living who would likely know whether any of your Chotaw ancestors ever complied or attempted to comply with the provisions of the fourteenth

Alice Kennedy--5.

- Article of the Treaty of Dancing Rabbit Creek or ever received any benefits thereunder? A No sir.
- Q Do you know of any written evidence of any description which would prove or tend to prove such a state of facts? A No sir.
- Q Have you any written evidence of any kind to offer at this time? A No sir.
- Q Have you any witnesses to testify in your behalf here to-day? A My brother.
- Q What is his name? A William S. Blakeley
- Q He has heretofore appeared before the Commission has he
- A Yes sir.
- Q And you simply want your case considered in connection with his case do you? A That's what you mean? A Yes sir.

See W.C.R.5066, William S. Blakeley et al.

- Q If you should find any witnesses whose testimony you desire to have taken before the Commission they may appear before us here within ten days from today and their testimony will be taken. Or if you should desire to offer any written evidence of any kind any such evidence which may be received within ten days from today will received the consideration of the Commission.
- Q Are there any further statements you desire to make at this time in support of this application? A No sir.
- Q How many brothers have you living? A Three.
- Q What are the names of these brothers? A William S., Elias and James.
- Q Have they been before the Commission? A No sir/.
- Q Have you any sisters living? A No sir.
- Q Any brothers or sisters dead who left children? A Yes sir.
- Q How many? A One left children.
- Q What was the name of that one? A Robert.
- Q Any of Robert's children living now? A Yes sir.
- Q How many? A Well I cant tell you how many; he 's been in Texas a long time; I reckon there's about twelve, along there or eleven.
- Q Have any of them been before the Commission? A I think they have - one or maybe two.
- Q You dont speak the Choctaw language do you? A No sir.

The applicant has the appearance of being a white woman shows no indication of being possessed of Indian blood; she does not speak or understand the Choctaw language; she has rather dark complexion; dark hair, gray eyes; she has no knowledge of compliance on part of her ancestors with the provisions of the fourteenth article of the treaty of Dancing Rabbit Creek.

Clara Mitchell Wood being first duly sworn upon her oath states that as stenographer for the Commission to the Five Civilized Tribes she reported in full all proceedings had in the above entitled cause on the 26th day of June 1902 and that the above and foregoing is a full true and correct transcript of her stenographic notes of said

Alice Kennedy--6.

proceedings on said date.

Ann Mitchell Wood

Subscribed and sworn to before me this 26th day of June
1902.

Charles W. Sawyer

Notary Public.

COMMISSIONERS
HENRY L. DAWES,
TAMM BIXBY,
THOMAS B. NEEDLES,
C. R. BRECKINRIDGE.

ALLISON L. AVESWORTH,
SECRETARY

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

REFER IN REPLY TO THE FOLLOWING

M.C.R. 5074.

Muskogee, Indian Territory, January 23, 1903.

Albany Kennedy,

Newton, Mississippi.

You are hereby advised that on the 23rd day of January, 1903, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Tempie McAllister, et al., embracing the following applications for identification as Mississippi Choctaws:

| | |
|--------------------------------|------------|
| Tempie McAllister, et al., | M C R 2857 |
| Robert E. Lee, et al., | M C R 1468 |
| Melissa Boyd, | M C R 1485 |
| Ethel Sherrer, | M C R 1486 |
| Fred Lee, | M C R 1491 |
| Vernile Lee, | M C R 1492 |
| Jacob C. Lee, et al., | M C R 1515 |
| Nannie Wood, et al., | M C R 1516 |
| Claudia Murray, et al., | M C R 1517 |
| George W. Lee, et al., | M C R 1518 |
| Shade Gore, | M C R 1519 |
| Nancy A. Williams, et al., | M C R 1743 |
| Hiram Blakeley, et al., | M C R 2541 |
| William Lee, et al., | M C R 2559 |
| Jacob H. Lee, | M C R 2694 |
| Nancy A. Schmidt, et al., | M C R 2695 |
| Fred B. Lee, | M C R 2696 |
| Lillian Thomas, et al., | M C R 2853 |
| Margie Adams, et al., | M C R 2854 |
| Oral Boyd, et al., | M C R 2855 |
| William D. Williamson, et al., | M C R 2856 |
| Arcada DuBose, et al., | M C R 2858 |
| Albert Edward Boyd, | M C R 2859 |
| Olive Smith, et al., | M C R 2888 |
| William Cary DuBose, | M C R 2889 |
| J. Dale Adams, | M C R 2898 |
| William L. Blukley, | M C R 2890 |
| Sarah M. Adams, et al., | M C R 2901 |
| Merlin C. Adams, et al., | M C R 2902 |
| Thomas B. Ross, et al., | M C R 2903 |
| Arthur A. Ross, et al., | M C R 2904 |
| Mattie Forsythe, et al., | M C R 2997 |
| Maria Gipson, et al., | M C R 3139 |
| Lawrence L. Boyd, et al., | M C R 3154 |
| Joseph K. Boyd, et al., | M C R 3155 |
| Nora B. Hilley, | M C R 3156 |
| William F. Walker, | M C R 3157 |
| John Owens, | M C R 3158 |

| | | |
|--------------------------------|-------|------|
| William J. Adams, | M C R | 3854 |
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| Frances O. Vollentine, et al., | M C R | 5063 |
| John T. Vollentine, | M C R | 5064 |
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| John Blakeley, et al., | M C R | 5873 |
| Albany Kennedy, et al., | M C R | 5874 |
| Mary Frances Knowles, et al., | M C R | 5875 |
| Sarah A. Harris, et al., | M C R | 5876 |
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| Robert E. Kennedy, et al., | M C R | 5878 |
| James Overstreet, et al., | M C R | 499 |
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These applications were made under the provision of the act of Congress of June 28, 1898 (30 Stats., 495) which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto and make report to the Secretary of the Interior."

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Tempie McAllister, Bernice McAllister, Bruce McAllister, Robert E. Lee, Remah Lee, Ruth Lee, Robert Lee, Bessie Lee, Stella Lee, Melissa Boyd, Ethel Sherrer, Fred Lee, Vernile Lee, Jacob C. Lee, William Lee, Ray Lee, Jessie D. Lee, Jacob W. Lee, Clairbel Lee, Nannie Wood, Sybil Wood, Lula H. Wood, Claudia Murray, Emmitt Murray, George W. Lee, Mary A. Lee, Laura M. Lee, Jacob W. Lee (2), George E. Lee, William S. Lee, Benjamin Lee, Winnie Lee, Shade Gore, Nancy A. Williams, George Washington Williams, Rhoda Williams, Elisha A. Williams, Hiram Blakeley, Ella Blakeley, Annie Blakeley, Johnnie Blakeley, William Lee (2), Robert E. Lee (2), William N. Lee, Zorah E. Lee, Dora A. Lee, Granville H. Lee, Jacob H. Lee, Nancy A. Schmidt, Johnnie H. Schmidt, Fred B. Lee, Lillian Thomas, Josie Thomas, Charles Porter Thomas, William Vernon Thomas, Robert Oral Thomas, Anna Thomas, Ira Thomas, Nettie Thomas, Margie Adams, Leila N. Adams, Willie M. Adams, Robert Adams, Lizzie Adams, John David Adams, Jeff Adams, Jennie Adams, Sallie Lou

Adams, Oral Boyd, Amanda May Boyd, Lillie Gertrude Boyd, William Curtis Boyd, William D. Williamson, Edgar Williamson, Joseph D. Williamson, Fannie Williamson, Annie Williamson, Jewel Williamson, Susie Williamson, William Cary Williamson, Arenda DuBose, Hiram H. Walker, Henry Walker, Jim Walker, Albert Edward Boyd, Olive Smith, Carrie Smith, William Cary DuBose, Hattie V. DuBose, Robert Chester DuBose, C. B. DuBose, J. Dale Adams, William L. Blakley, Sarah M. Adams, W. Lynn Adams, Merlin C. Adams, Wallace Adams, Thomas B. Ross, Lilly May Ross, Vonnice Bysmark Ross, David Harnett Ross, William Malcolm Ross, Seenie Vore Ross, Arthur A. Ross, Tommie Ross, Media Ross, Mallia Ross, Ollie Mildred Ross, Mattie Forsythe, Freddy Forsythe, Burtty Forsythe, Maria Gipson, James Owens, Eugene Owens, Florence Owens, Conrad Gipson, Dalton Gipson, Lawrence L. Boyd, Henry Boyd, Gussie Boyd, Richard Boyd, Beatrice Boyd, Joseph K. Boyd, Froni Boyd, Frances Boyd, Allene Boyd, Nora B. Hilley, William F. Walker, John Owens, William J. Adams, Cynthia Adams Hill, Ernie Hill, Mark Hill, Annie Hill, Ada Hill, Robert Hill, William H. Blakeley, Ada R. Blakeley, Walter R. Blakeley, Thomas L. Blakeley, Francis J. Blakeley, Della Blakeley, Ida M. Blakeley, Hiram Blakeley (2), Ira J. Blakeley, Edgar Blakeley, Ida Calame, Della Calame, Bessie Calame, Nora Calame, Mollie Blackledge, Aleck Blackledge, Ellen Blackledge, Lee Blackledge, Leonard Blackledge, Lula Haskins, Rebecca Haskins, Minnie Haskins, Thomas Haskins, Lee Haskins, Vivian Haskins, Nellie Haskins, John Jordan, Elmer Jordan, Austin Jordan, Robert Jordan, Joseph B. Jordan, Effie M. Jordan, James Monroe Jordan, Frances O. Vollentine, Alice A. Vollentine, Edgar O. Vollentine, Mattie L. Vollentine, Ernest E. Vollentine, John T. Vollentine, Callie V. Bryant, Bertha Lee Bryant, Mamie A. Bryant, Harvey Leland Bryant, William S. Blakeley, Marshal Blakeley, Homer Blakeley, Sallie Blakeley, James E. Blakeley, Minnie Lee Blakeley, William Edward Blakeley, Jesse Ray Blakeley, Ralph Tyler, Walter S. Blakeley, Ida L. Blakeley, Robert L. Blakeley, Albert H. Blakeley, Edgar D. Blakeley, Lucy Emma Blakeley, Claud C. Blakeley, Ernest V. Blakeley, Mary M. Bird, Mollie H. Bird, Gracie H. Bird, Alfred M. Bird, Carl W. Bird, Cora Langston, Elmer N. Langston, Annie C. Lawhon, Ferrel Young Lawhon, Frank George Lawhon, Laura E. Bird, Cleary C. Bird, Roy Floyd Bird, William Ray Bird, Oscar Thomas Boyd, Lola Thelma Boyd, Albert Pickens Boyd, John Blakeley, Sidney Blakeley, Lizzie Blakeley, Flora Blakeley, Albany Kennedy, Phoebe Alice Kennedy, Mary Frances Knowles, Ludie William Knowles, Julia Albany Knowles, Claudie Martin Knowles, Sarah A. Harris, William Harrison Harris, Robert R. Harris, Wedona Harris, Julia Ann Harris, Thomas L. Kennedy, Robert E. Kennedy, Ada M. Kennedy, James Overstreet, Ellen Nora Overstreet, Etta May Overstreet, Viola Overstreet, Birdie Lilly Overstreet, Thomas J. Overstreet, Minnie Overstreet, Clare Overstreet, Mattie Overstreet, Hattie Overstreet, Wilmoth Overstreet, Coleman Overstreet, William H. Overstreet, Belle Rape, Jaunita Rape, Leslie Irving Rape, Cornelius L. Overstreet, Riley Overstreet, Rebecca Overstreet, Olivia Estella Overstreet, James Ernest Overstreet, Cora Overstreet, John A. Overstreet, John F. Overstreet, Myrtie Overstreet, Mary C. Overstreet, Emma May Overstreet, John W. Overstreet, Julius Overstreet, Emma Simpson, Roy F. Simpson, Okla Simpson and Homa Simpson, as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the applications for their identification as such should be refused, and it is so ordered.

"It is the further opinion of this Commission that under the provision of law above quoted, no person is entitled to identification as a Mississippi Choctaw by marriage, and that the applications made by James Overstreet for the identification of his wife, Martha Jane Overstreet; by Thomas J. Overstreet for the identification of his wife, Penelope R. Overstreet; by Belle Rape for the identification of her husband, William J. Rape; by Riley Overstreet for the identification of his wife, Ida Nora Overstreet; by Rebecca Overstreet for the identification of herself; by John A. Overstreet for the identification of his wife, Nora A. Overstreet; and by John F. Overstreet for the identification of his wife, Addie Overstreet, as intermarried Mississippi Choctaws, should, therefore be refused, and it is so ordered."

You are further advised that you will be allowed fifteen days from the date hereof within which to file arguments in this office, and that at the expiration of said time the papers in the case together with such arguments will be forwarded to the Secretary of the Interior, through the Commissioner of Indian Affairs.

Respectfully,

Registered.

Acting Chairman.

M.C.R. 5874.

COPY

Muskogee, Indian Territory, July 13, 1903.

Albany Kennedy,

Newton, Mississippi.

Dear Sir:

You are hereby notified that on the 20th day of May, 1903, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Tempie McAllister, et al., of which decision you were advised by registered mail on the 23rd day of January, 1903.

Respectfully,

(SIGNED)

T. B. Needles.

Commissioner in Charge.

MCR 6874

Muskogee, Indian Territory, December 6, 1906.

Albany Kennedy,

Newton, Mississippi.

Dear Sir :--

You are hereby notified that the Secretary of the Interior on November 24, 1906, denied a motion filed in this office June 26, 1906, by T. D. Taylor, Attorney at Law, South McAlester, Indian Territory, for rehearing in the consolidated Mississippi Choctaw case of Temple McAllister, et al.

Respectfully,

Acting Commissioner.

For Identification as a Mississippi Choctaw.

Date _____
Name *Albany Kennedy*

Age *54* Blood *N*

Post-Office, *Newton, Miss.*

Father, *James Blakeley* *D*

Mother, *Sarah Davis Blakeley, d.*

Claims through *father.*
husband

J. M. Kennedy *L*
no claim for husband.

Children

Therese A Kennedy 15

J. M. Kennedy

Stenographer *Clara M Wood*

Choctaw MCR 5875

Mary F. Knowles

See MCR 2857

MCR 5875

Department of the Interior.
Commission to the Five Civilized Tribes.
Muskogee, Indian Territory, June 25, 1902.

5875.

In the matter of the application of Mary Frances Knowles for the identification of herself and her three minor children, Ludie, Julia Albany and Claudie Martin Knowles as Mississippi Choctaws.

Mary Frances Knowles being first duly sworn testified as follows:

Examination by the Commission:

- Q What is your name? A Mary Frances Knowles.
Q K-n-o-w-l-e-s? A K-n-o-w-l-e-s.
Q How old are you? A Thirty-two.
Q How much Choctaw blood do you claim to have? A One-sixteenth.
Q What's your post office address? A Newton Mississippi.
Q How long have you lived in Newton County Mississippi?
A I've lived there all my life.
Q Is your father living? A Yes sir.
Q What's his name? A T. M. Kennedy.
Q Is your mother living? A Yes sir.
Q What's her name? A Albany Kennedy.
Q Through which one of your parents do you get your Choctaw blood? A Mother.
Q Is the Albany Kennedy who appeared before the Commission this morning your mother? A Yes sir.

See M.C.R. 5874

- Q Are you married? A Yes sir.
Q Husband living? A Yes sir.
Q What's his name? A M. B. Knowles.
Q Has he any Choctaw blood? A No sir.
Q You make no claim for him? A No sir.
Q Have you any children? A Yes.
Q How many? A Three.
Q What are their names and ages the oldest one first?
A Ludie William.
Q How old? A Twelve.
Q Boy or girl? A Boy.
Q The next one? A Julia Albany - girl.
Q How old? A Ten.
Q The next one? A Claudie Martin.
Q Boy or girl? A Boy- six years.
Q Is that all of them? A Yes sir.
Q They are all living with you at this time? A Yes sir.
Q They are all the children of yourself and M. B. Knowles?
A Yes sir.

- Q This application then is for yourself and three minor children? A Yes.
- Q Is your name or the names of any of these children to be found upon any of the Choctaw tribal rolls in Indian Territory? A No sir.
- Q Has any application of any description ever been made in behalf of you or any one of these children to the Choctaw tribal authorities in Indian Territory to be admitted or enrolled as a member of that tribe?
- A No sir.
- Q Did you or anyone for you in the year 1896 make application for citizenship in the Choctaw Nation under the act of Congress of June 10, 1896? A No sir.
- Q Then neither you nor any of these children have ever been admitted to citizenship in the Choctaw Nation either by the tribal authorities or the United States authorities? A No sir.
- Q So this is the first application of any description which has ever been made for you or any of these children for the purpose of establishing your rights as Choctaw Indians? A It is.
- Q You appear before the Commission at this time for the purpose of claiming rights in the Choctaw lands in Indian Territory for yourself and three minor children under the fourteenth article of the treaty of Dancing Rabbit Creek. A Yes sir.

The Treaty of Dancing Rabbit Creek was entered into in the state of Mississippi on the 27th day of September, 1830 between the United States government and the Choctaw tribe of Indians. At the time this treaty was made the Choctaws lived in the state of Mississippi and along the western edge of the state of Alabama; the object of the treaty was to get those Indians to move to a new country west of the Mississippi river part of what is now occupied by the greater portion of the Choctaw tribe of Indians and is commonly known as the Choctaw Chickasaw Country Indian Territory. At the time the treaty was made some of those Indians were unwilling to leave the old Nation and for the benefit of those who preferred to stay there, what is known as the fourteenth article was put into the treaty. The fourteenth article provided that upon certain conditions all the Choctaws who preferred to stay in Mississippi and not move to the new country might receive land from the government.

It is as follows:

"Each Choctaw head of a family being desirous to remain and become a citizen of the states shall be permitted to do so by signifying his intention to the agent within six months from the ratification of this treaty and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land, to be bounded by sectional lines of survey; in like manner shall be entitled to one half that quantity for each unmarried child which is living with him over ten years of age and a quarter section to such child as may be under ten years of age, to adjoin the location of the parent. If they reside upon said lands intending to become citizens of the States for five years after the ratification of this treaty in that case a grant in fee simple shall issue. Said

reservation shall include the present improvement of the head of the family or a portion of it; persons who claim under this article shall not lose the privilege of a Choctaw citizen but if they ever remove are not to be entitled to any portion of the Choctaw annuity.

- Q Do you understand that fourteenth article thoroughly?
A Yes sir.
- Q Did any of your ancestors ever comply or attempt to comply with its provisions or ever receive any benefits thereunder? A No sir.
- Q Did any of them own any improvements in what constituted the old Choctaw Nation in Mississippi and Alabama in the year 1830 when the treaty of Dancing Rabbit Creek was made?
A No sir; not that I know anything of.
- Q Did any of them live there at that time to your knowledge?
A Well I've heard my mother say they did is all I know.
- Q Who lived there in 1830 of your Choctaw ancestors? A Well my grand father and grandmother.
- Q What are their names? A John Blakeley and Elizabeth Blakeley.
- Q Did any of your Choctaw ancestors within six months from the time this treaty of Dancing Rabbit Creek was ratified let the agent of the government in Mississippi for the Choctaws know they wanted to stay in Mississippi, become citizens of the states and take land? A No sir.
- Q Sure that they didn't do that? A I'm sure that they didn't do that.
- Q Did any of them ever claim or receive any land in Mississippi from the government of the United States under the fourteenth article of the treaty of Dancing Rabbit Creek? A Not as I know of.
- Q Did you ever hear of any of your ancestors ever having received any land from the government under this fourteenth article or any other article of the treaty? A No sir.
- Q In accordance with the provisions of the fourteenth article of the treaty of Dancing Rabbit Creek, the government of the United States directed an agent in the state of Mississippi to register the names of such Choctaws as might desire to remain become citizens of the states and take land; the records of the government show that this agent failed to register and report to the government the names of many Choctaws who did let him know they wanted to stay and on this account the government at its public land sales in many instances sold lands upon which Choctaws lived and had improvements and in which they supposed they would receive under the fourteenth article of the treaty. This caused a great many complaints and the matter was finally brought to the attention of Congress and Congress passed certain acts between the years 1837 and 1842 providing for the appointment of Commissioners to go down in Mississippi and hear the cases of Choctaws who claimed they had complied with the provisions of the fourteenth article but that their land had been sold by the government; these commissions were appointed by the President of the United States and went down to Mississippi and heard a great many of those cases.
- Q Did any of your ancestors appear before any of these Commissions and attempt to establish their rights under the fourteenth article of the treaty of Dancing Rabbit Creek. A No sir not that I know of.

August 1842 provided that in case it should finally be decided that a Choctaw had complied in all respects with the provisions of the fourteenth article of the treaty of Dancing Rabbit Creek but that his land had been sold by the government he should be entitled to select in the place of the land so sold by the government, land in Mississippi Alabama Louisiana or Arkansas from vacant government land and should be given a certificate to that effect; these certificates were called scrip; did any of your ancestors ever get any scrip from the government under this act of Congress? A Not that I know anything about.

Q So far as you know then none of your Choctaw ancestors ever received any ~~of this~~ benefits whatever as Choctaw Indians? A No sir.

Q And none of them were ever recognized members of the tribe so far as you know. A They never was recognized as far as I've known.

Q Do you know of any old persons living who would ~~like~~ likely know whether any of your ancestors ever complied or attempted to comply with the provisions of the fourteenth article of the treaty of Dancing Rabbit Creek? A No sir I dont.

Q Do you know of any written evidence which would prove or tend to prove such a state of facts. A No sir I dont.

Q Have you any written evidence of any kind to offer at this time? A No sir.

Q Any witnesses to testify in your behalf? A W. S. Blakeley.

Q William S. Blakeley? A Yes sir.

Q You mean you want your case considered in connection with his case? A Yes sir.

Q What relation is he to you? A Uncle.

See M.C.R.5066.

Q If you should find any witnesses whose testimony you desire to have taken before the Commission in support of your application they may appear before us here in Muskogee ~~within~~ ten days from to-day and their testimony will be taken. If you should care to offer any written evidence in support of this application such evidence should be presented within a period of ten days from today.

Q Is there any further statement you want to make in support of this application? A No sir.

* Reference is hereby made to M.C.R.5884 Albany Kennedy et al. the principal applicant in said case being the mother of this applicant. Reference is also made to M.C.R. 2857 the applicant therein and this applicant being the descendants of the same common Choctaw ancestor.

Q Do you speak the Choctaw language? A No sir.

The applicant has the appearance of being a white woman shows no indication of being possessed of Indian blood tho' she has dark hair, rather dark complexion, gray eyes; she does not speak or understand the Choctaw language and has no knowledge of compliance on part of any of her ancestors with the provisions of article fourteen of the treaty of Dancing Rabbit Creek.

Frances Knowles--5.

Clara Mitchell Wood being first duly sworn upon her oath states that as stenographer for the Commission to the Five Civilized Tribes she reported in full all proceedings had in the above entitled cause on the 25th day of June 1902 and that the above and foregoing is a full true and correct transcript of her stenographic notes of said proceedings on said date.

Clara Mitchell Wood

Subscribed and sworn to before me this 26th day of June 1902.

Charles H. Sawyer

Notary Public.

COMMISSIONERS
HENRY L. DAWES.
TAMS BIXBY.
THOMAS B. NEEDLES.
C. R. BRECKINRIDGE.

ALLISON L. AYLESWORTH,
SECRETARY

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.

REFER IN REPLY TO THE FOLLOWING

M.C.R. 5875.

Muskogee, Indian Territory, January 23, 1903.

Mary P. Knowles,

Newton, Mississippi.

You are hereby advised that on the 23rd day of January, 1903, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Tempie McAllister, et al., embracing the following applications for identification as Mississippi Choctaws:

| | |
|--------------------------------|------------|
| Tempie McAllister, et al., | M C R 2857 |
| Robert E. Lee, et al., | M C R 1468 |
| Melissa Boyd, | M C R 1485 |
| Ethel Sherrer, | M C R 1486 |
| Fred Lee, | M C R 1491 |
| Vernile Lee, | M C R 1492 |
| Jacob C. Lee, et al., | M C R 1515 |
| Nannie Wood, et al., | M C R 1516 |
| Claudia Murray, et al., | M C R 1517 |
| George W. Lee, et al., | M C R 1518 |
| Shade Gore, | M C R 1519 |
| Nancy A. Williams, et al., | M C R 1743 |
| Hiram Blakeley, et al., | M C R 2541 |
| William Lee, et al., | M C R 2559 |
| Jacob H. Lee, | M C R 2694 |
| Nancy A. Schmidt, et al., | M C R 2695 |
| Fred B. Lee, | M C R 2696 |
| Lillian Thomas, et al., | M C R 2853 |
| Margie Adams, et al., | M C R 2854 |
| Oral Boyd, et al., | M C R 2855 |
| William D. Williamson, et al., | M C R 2856 |
| Arcada DuBose, et al., | M C R 2858 |
| Albert Edward Boyd, | M C R 2859 |
| Olive Smith, et al., | M C R 2888 |
| William Cary DuBose, | M C R 2889 |
| J. Dale Adams, | M C R 2898 |
| William L. Blakley, | M C R 2890 |
| Sarah M. Adams, et al., | M C R 2901 |
| Merlin C. Adams, et al., | M C R 2902 |
| Thomas B. Ross, et al., | M C R 2903 |
| Arthur A. Ross, et al., | M C R 2904 |
| Mattie Forsythe, et al., | M C R 2997 |
| Maria Gipson, et al., | M C R 3139 |
| Lawrence L. Boyd, et al., | M C R 3154 |
| Joseph K. Boyd, et al., | M C R 3155 |
| Nora B. Hilley, | M C R 3156 |
| William F. Walker, | M C R 3157 |
| John Owens, | M C R 3158 |

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| Cynthia Adams Hill, et al., | M C R | 3863 |
| William M. Blakeley, et al., | M C R | 4148 |
| Ida Calame, et al., | M C R | 1487 |
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| John Jordan, et al., | M C R | 1469 |
| Frances O. Vollentine, et al., | M C R | 5063 |
| John T. Vollentine, | M C R | 5064 |
| Callie V. Bryant, et al., | M C R | 5065 |
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| Emma Simpson, et al., | M C R | 674 |

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Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Tempie McAllister, Bernice McAllister, Bruce McAllister, Robert E. Lee, Remah Lee, Ruth Lee, Robert Lee, Bessie Lee, Stella Lee, Melissa Boyd, Ethel Sherrer, Fred Lee, Vernile Lee, Jacob C. Lee, William Lee, Ray Lee, Jessie D. Lee, Jacob W. Lee, Clairbel Lee, Nannie Wood, Sybil Wood, Lula H. Wood, Claudia Murray, Emmitt Murray, George W. Lee, Mary A. Lee, Laura M. Lee, Jacob W. Lee (2), George E. Lee, William S. Lee, Benjamin Lee, Winnie Lee, Shade Gore, Nancy A. Williams, George Washington Williams, Rhoda Williams, Elisha A. Williams, Hiram Blakeley, Ella Blakeley, Annie Blakeley, Johnnie Blakeley, William Lee (2), Robert E. Lee (2), William N. Lee, Zorah E. Lee, Dora A. Lee, Granville H. Lee, Jacob H. Lee, Nancy A. Schmidt, Johnnie H. Schmidt, Fred B. Lee, Lillian Thomas, Josie Thomas, Charles Porter Thomas, William Vernon Thomas, Robert Oral Thomas, Anna Thomas, Ira Thomas, Nettie Thomas, Margie Adams, Leila N. Adams, Willie M. Adams, Robert Adams, Lizzie Adams, John David Adams, Jeff Adams, Jennie Adams, Sallie Lou

Adams, Oral Boyd, Amanda May Boyd, Lillie Gertrude Boyd, William Curtis Boyd, William D. Williamson, Edgar Williamson, Joseph D. Williamson, Fannie Williamson, Annie Williamson, Jewel Williamson, Susie Williamson, William Cary Williamson, Areada DuBose, Hiram H. Walker, Henry Walker, Jim Walker, Albert Edward Boyd, Olive Smith, Carlie Smith, William Cary DuBose, Hattie V. DuBose, Robert Chester DuBose, C. B. DuBose, J. Dale Adams, William L. Blakeley, Sarah M. Adams, W. Lynn Adams, Merlin C. Adams, Wallace Adams, Thomas B. Ross, Lilly May Ross, Vonnice Bysmark Ross, David Harnett Ross, William Malcolm Ross, Seenie Vore Ross, Arthur A. Ross, Tommie Ross, Media Ross, Mallia Ross, Ollie Mildred Ross, Mattie Forsythe, Freddy Forsythe, Burtty Forsythe, Maria Gipson, James Owens, Eugene Owens, Florence Owens, Conrad Gipson, Dalton Gipson, Lawrence L. Boyd, Henry Boyd, Gussie Boyd, Richard Boyd, Beatrice Boyd, Joseph K. Boyd, Froni Boyd, Frances Boyd, Allene Boyd, Nora B. Hilley, William F. Walker, John Owens, William J. Adams, Cynthia Adams Hill, Ermine Hill, Mark Hill, Annie Hill, Ada Hill, Robert Hill, William H. Blakeley, Ada R. Blakeley, Walter R. Blakeley, Thomas L. Blakeley, Francis J. Blakeley, Della Blakeley, Ida M. Blakeley, Hiram Blakeley (2), Ira J. Blakeley, Edgar Blakeley, Ida Calame, Della Calame, Bessie Calame, Nora Calame, Mollie Blacklidge, Aleck Blacklidge, Ellen Blacklidge, Lee Blacklidge, Leonard Blacklidge, Lula Haskins, Rebecca Haskins, Minnie Haskins, Thomas Haskins, Lee Haskins, Vivian Haskins, Nellie Haskins, John Jordan, Elmer Jordan, Austin Jordan, Robert Jordan, Joseph B. Jordan, Effie M. Jordan, James Monroe Jordan, Frances O. Vollentine, Alice A. Vollentine, Edgar O. Vollentine, Mattie L. Vollentine, Ernest E. Vollentine, John T. Vollentine, Callie V. Bryant, Bertha Lee Bryant, Mamie A. Bryant, Harvey Leland Bryant, William S. Blakeley, Marshal Blakeley, Homer Blakeley, Sallie Blakeley, James E. Blakeley, Minnie Lee Blakeley, William Edward Blakeley, Jesse Ray Blakeley, Ralph Tyler, Walter S. Blakeley, Ida L. Blakeley, Robert L. Blakeley, Albert H. Blakeley, Edgar D. Blakeley, Lucy Emma Blakeley, Claud C. Blakeley, Ernest V. Blakeley, Mary M. Bird, Mollie H. Bird, Gracie H. Bird, Alfred M. Bird, Carl W. Bird, Cora Langston, Elmer N. Langston, Annie C. Lawhon, Ferrel Young Lawhon, Frank George Lawhon, Laura E. Bird, Cleary C. Bird, Roy Floyd Bird, William Ray Bird, Oscar Thomas Boyd, Lola Thelma Boyd, Albert Pickens Boyd, John Blakeley, Sidney Blakeley, Lizzie Blakeley, Flora Blakeley, Albany Kennedy, Phoebe Alice Kennedy, Mary Frances Knowles, Ludie William Knowles, Julia Albany Knowles, Claudie Martin Knowles, Sarah A. Harris, William Harrison Harris, Robert R. Harris, Wedona Harris, Julia Ann Harris, Thomas L. Kennedy, Robert E. Kennedy, Ada M. Kennedy, James Overstreet, Ellen Nora Overstreet, Etta May Overstreet, Viola Overstreet, Birdie Lilly Overstreet, Thomas J. Overstreet, Minnie Overstreet, Clare Overstreet, Mattie Overstreet, Hattie Overstreet, Wilmoth Overstreet, Coleman Overstreet, William H. Overstreet, Belle Rape, Jaunita Rape, Leslie Irving Rape, Cornelius L. Overstreet, Riley Overstreet, Rebecca Overstreet, Olivia Estella Overstreet, James Ernest Overstreet, Cora Overstreet, John A. Overstreet, John F. Overstreet, Myrtie Overstreet, Mary C. Overstreet, Emma May Overstreet, John W. Overstreet, Julius Overstreet, Emma Simpson, Roy F. Simpson, Okla Simpson and Homa Simpson, as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the applications for their identification as such should be refused, and it is so ordered.

"It is the further opinion of this Commission that under the provision of law above quoted, no person is entitled to identification as a Mississippi Choctaw by marriage, and that the applications made by James Overstreet for the identification of his wife, Martha Jane Overstreet; by Thomas J. Overstreet for the identification of his wife, Penelope R. Overstreet; by Belle Rape for the identification of her husband, William J. Rape; by Riley Overstreet for the identification of his wife, Ida Nora Overstreet; by Rebecca Overstreet for the identification of herself; by John A. Overstreet for the identification of his wife, Nora A. Overstreet; and by John F. Overstreet for the identification of his wife, Addie Overstreet, as intermarried Mississippi Choctaws, should, therefore be refused, and it is so ordered."

You are further advised that you will be allowed fifteen days from the date hereof within which to file arguments in this office, and that at the expiration of said time the papers in the case together with such arguments will be forwarded to the Secretary of the Interior, through the Commissioner of Indian Affairs.

Respectfully,

Registered.

Acting Chairman.

M.C.R. 1075.

COPY.

Muskogee, Indian Territory, July 13, 1903.

Mary F. Knowles,
Newton, Mississippi.

Dear Madam:

You are hereby notified that on the 20th day of May, 1903, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Temple McAllister, et al., of which decision you were advised by registered mail on the 23rd day of January, 1903.

Respectfully,

(SIGNED)

T. B. Needles.

Commissioner in Charge.

MCR 5878

Muskogee, Indian Territory, December 6, 1906.

Mary F. Knowles,
Newton, Mississippi.

Dear Madam :--

You are hereby notified that the Secretary of the Interior on November 24, 1906, denied a motion filed in this office June 26, 1906, by T. D. Taylor, Attorney at Law, South McAlester, Indian Territory, for rehearing in the consolidated Mississippi Choctaw case of Temple McAllister, et al.

Respectfully,

Acting Commissioner.

No. 5875

For Identification as a Mississippi Choctaw.

Date

Name

Wm. Knowles

Age

32

Blood

1/16

Post-Office

Newton, Miss

Father

T. H. Stenney

L

Mother

Albany "

L

Claims through

Mother

husband

M. B. Knowles

L

no claim for husband

Children:

Ludie W. Knowles M. 12

Julia A

"

F

10

Claudia M

"

M

6

Stenographer

Clara M. Wood.

Choctaw MCR 5876

Sarah A. Harris

See MCR 2857

MCR 5876

5876

Department of the Interior.
Commission to the Five Civilized Tribes.
Muskogee, Indian Territory, June 25, 1902.

In the matter of the application of Sarah A. Harris for the identification of herself and her four minor children William Harrison Harris, Robert R. Harris, Wedona Harris and Julia Ann Harris as Mississippi Choctaws.

Sarah A. Harris being first duly sworn testified as follows:

Examination by the Commission:

- Q What's your name? A Sarah A. Harris.
Q How old are you? A Twenty-six.
Q How much Choctaw blood have you? A One-sixteenth.
Q What's your post office address? A Here Mississippi.
Q What county? A Jasper.
Q How long have you lived in Jasper County? A About eleven months.
Q Where did you live before that? A In Newton County.
Q All your life? A Yes sir.
Q Newton County Mississippi? A Yes sir.
Q Is your father living? A Yes sir.
Q What's his name? A T. M. Kennedy.
Q Is your mother living? A Yes sir.
Q What's her name? A Albany Kennedy.
Q Through which one of your parents do you derive your Choctaw blood? A Mother.
Q Through Albany Kennedy who appeared before the Commission here this morning- your mother? A Yes sir.

See M.C.R. 5873

- Q Are you married? A Yes sir.
Q Husband living? A Yes sir.
Q What's his name? A R. D. Harris.
Q Has he any Choctaw blood? A No sir.
Q Do you make any claim for him? A No sir.
Q Have you any children living? A Yes sir.
Q How many? A Four.
Q What are their names and ages - the eldest first? A William Harrison Harris.
Q How old is he? A Ten.
Q The next one? A Robert R. Harris.
Q How old? A Seven.
Q The next one Wedona.
Q How do you spell that? A W-e-d-o-n-a.
Q How old is Wedona? A Four.
Q Is that a girl? A Yes sir.
Q The next one? A Julia Ann.
Q How old is Julia? A Eight months old.
Q Is that all? A Yes sir.
Q These children are all living with you at this time? A Yes sir.
Q And are all the children of yourself and R. D. Harris? A I got three dead.

- Q They are all four your children and R. D. Harris's.
A Yes sir.
Q Is your name or the name of any of one of these children on any of the Choctaw tribal rolls in Indian Territory?
A Not as I know of.
Q Has any application of any description ever been made to the Choctaw tribal authorities in Indian Territory for your or any of these children for the purpose of establishing your rights as Choctaw Indians? A No sir; not that I know of.
Q Never been admitted to citizenship by the tribal authorities have you? A Not that I know of; we haint; me nor none of my children.
Q Did you or anyone for you or anyone for these children in the year 1896 make application to the Commission to the Five Civilized Tribes for citizenship in the Choctaw Nation under the act of Congress approved June 10, 1896? A No sir.
Q Neither you nor these children have ever been admitted to citizenship by the United States authorities? A No sir.
Q Never received any benefits whatever as Choctaw Indians?
A No sir.
Q Did you appear before the Commission at this time for the purpose of claiming rights in the Choctaw lands in Indian Territory for yourself and four minor children under the fourteenth article of the treaty of Dancing Rabbit Creek? A Yes sir.

This treaty of Dancing Rabbit Creek was entered into in the state of Mississippi on the 27th day of September 1830 between the government of the United States and the Choctaw tribe of Indians; at the time the treaty was made some of the Indians were unwilling to leave the Choctaw Nation and move out west to what is now known as the Choctaw Chickasaw Country and for the benefit of those who insisted upon being permitted to remain in the old nation, what is known as the fourteenth article was put into the treaty; that fourteenth article provided that upon certain conditions the Choctaws who desired to remain in the old nation might receive land there in Mississippi from the government; it is as follows:

"Each Choctaw head of a family being desirous to remain and become a citizen of the states shall be permitted to do so by signifying his intention to the agent within six months from the ratification of this treaty and he or she shall thereupon be entitled to a reservation of six one section of six hundred and forty acres of land to be bounded by sectional lines of survey; in like manner shall be entitled to one half that quantity for each unmarried child which is living with him over ten years of age and a quarter section to each child as may be under ten years of age to adjoin the location of the parent. If they reside upon said lands intending to become citizens of the states for five years after the ratification of this treaty in that case a grant in fee simple shall issue; said reservation shall include the present improvement of the head of the family or a portion of it persons who claim under this article shall not lose the privilege of a Choctaw citizen but if they ever remove are not to be entitled to any portion of the Choctaw annuity."

Sarah A. Harris--3.

- Q Do you understand that fourteenth article? A Yes sir.
- Q Did any of your ancestors ever comply with or attempt to comply with its provisions or ever receive any benefits under that article? A No sir, not that I know of.
- Q Did any of them own an improvement in the old Choctaw Nation in Mississippi or Alabama in the year 1830 when the treaty of Dancing Rabbit Creek was made? A I don't know anything about it.
- Q Did any of them live there at the time to your knowledge? A No sir; not that I know of.
- Q Did any of them within six months after the treaty of Dancing Rabbit Creek was made let the agent of the government for the Choctaws know they wanted to stay in Mississippi take land and become citizens of the states? A No, not that I know of.
- Q Did any of them ever claim or receive any land in the state of Mississippi from the government of the United States under the fourteenth article of the treaty of Dancing Rabbit Creek? A I don't know.
- Q Did you ever hear of any of your people ever having gotten any land under the treaty of Dancing Rabbit Creek? A I never heard as I know of.

In accordance with the provisions of the fourteenth article of the treaty of Dancing Rabbit Creek, the government of the United States directed an agent in Mississippi to register the names of such Choctaws as might desire to remain and take land; the records of the government show that this agent failed to register and report to the government the names of a great many Choctaws who did let him know they wanted to stay and on this account the government at its public land sales in Mississippi in many instances sold land which the Choctaws held, on which they lived and had improvements and which they supposed they would receive under the fourteenth article of the treaty of Dancing Rabbit Creek. This caused a great deal of complaint and the matter was finally brought to the attention of Congress and Congress between the years 1837 and 1842 provided for the appointment of Commissioners to go down to Mississippi and hear the cases of Choctaws who claimed that they had complied in all respects with the provisions of the fourteenth article of the treaty of Dancing Rabbit Creek but that their land had been sold by the government; these commissioners were duly appointed by the president of the United States and they went down to Mississippi and heard a great many of those Choctaw cases.

- Q Did any of your ancestors appear before these Commissioners and attempt to establish their rights under the fourteenth article of the treaty of Dancing Rabbit Creek? A Not that I know of.
- Q The act of Congress approved the 23rd day of August 1842 provided that in case it should be finally decided that a Choctaw had complied in all respects with the provisions of the fourteenth article of the treaty of Dancing Rabbit Creek but that his land had been sold by the government he should be entitled to select in the place of the land so sold by the government, land some place else in Mississippi, Alabama, Louisiana, or Arkansas as from vacant government

Sarah A. Harris--4.

land and should be given a certificate to that effect; these certificates were called scrip.

- Q Did any of your ancestors ever receive any such scrip from the government? A Not that I know of.
- Q So far as you know then, none of your ancestors ever received any benefits whatever as Choctaw Indians.
- A No sir.
- Q And none of them were ever recognized members of the Choctaw tribe of Indians to your knowledge? A No sir.
- Q Do you know of any old persons living who would likely know that any of your ancestors ever complied or attempted to comply with the provisions of the fourteenth article of the treaty of Dancing Rabbit Creek? A No sir.
- Q Do you know of any written evidence of any description which would prove or tend to prove such a state of facts?
- A No sir.
- Q Have you any written evidence of any kind to offer at this time? A No sir.
- Q Any witnesses here to-day? A Yes sir. Bill Blakeley.
- Q What relation is Bill Blakeley to you? A Uncle.
- Q He has heretofore appeared before the Commission has he not? A Yes sir.
- Q You simply want your case considered with the application he has made - is that the idea? A Yes sir.

See M.C.R. 5066, William SS Blakeley et al., See also M.C.R. 2857.

- Q You have no other witnesses? A No.

Q If you should find any witnesses whose testimony you desire to have taken before the Commission they may appear before us at Muskogee within ten days from to-day and their testimony will be taken; if you have any written evidence you want to offer in support of your application it may be filed within ten days from today and will receive the consideration of the Commission.

- Q Are there any further statements you want to make at this time in support of your application? A No sir.
- Q You don't speak nor understand the Choctaw language? A No sir.

The applicant has the appearance of being a white woman; she has no particular indications of being possessed of Indian blood although she has dark hair, dark complexion and eyes; does not speak or understand the Choctaw language and has no knowledge of compliance on part of her ancestors with any of the provisions of article fourteen of the treaty of Dancing Rabbit Creek.

Clara Mitchell Wood being first duly sworn upon her oath states that as stenographer for the Commission to the Five Civilized Tribes she reported in full all proceedings had in the above entitled cause on the 25th day of June 1902 and that the above and foregoing is a full true and correct

Sarah A. Harris--5.

transcript of her stenographic notes of said proceedings
on said date.

Clara Mitchell Wood

Subscribed and sworn to before me this 27th day of June 1908.

Guy L. V. Emmons
Notary Public.

COMMISSIONERS
HENRY L. DAWES.
TAMM BIXBY.
THOMAS B. NEEDLES.
C. R. BRECKINRIDGE.

ALLISON L. AYLESWORTH,
SECRETARY

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

REFER IN REPLY TO THE FOLLOWING

M.C.R. 5876.

Muskogee, Indian Territory, January 23, 1903.

Sarah A. Harris,

Hero, Mississippi.

You are hereby advised that on the 23rd day of January, 1903, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Tempie McAllister, et al., embracing the following applications for identification as Mississippi Choctaws:

| | |
|--------------------------------|------------|
| Tempie McAllister, et al., | M C R 2857 |
| Robert E. Lee, et al., | M C R 1468 |
| Melissa Boyd, | M C R 1485 |
| Ethel Sherrer, | M C R 1486 |
| Fred Lee, | M C R 1491 |
| Vernile Lee, | M C R 1492 |
| Jacob C. Lee, et al., | M C R 1515 |
| Nannie Wood, et al., | M C R 1516 |
| Claudia Murray, et al., | M C R 1517 |
| George W. Lee, et al., | M C R 1518 |
| Shade Gore, | M C R 1519 |
| Nancy A. Williams, et al., | M C R 1743 |
| Hiram Blakeley, et al., | M C R 2541 |
| William Lee, et al., | M C R 2559 |
| Jacob H. Lee, | M C R 2694 |
| Nancy A. Schmidt, et al., | M C R 2695 |
| Fred B. Lee, | M C R 2696 |
| Lillian Thomas, et al., | M C R 2853 |
| Margie Adams, et al., | M C R 2854 |
| Oral Boyd, et al., | M C R 2855 |
| William D. Williamson, et al., | M C R 2856 |
| Arcada DuBose, et al., | M C R 2858 |
| Albert Edward Boyd, | M C R 2859 |
| Olive Smith, et al., | M C R 2888 |
| William Cary DuBose, | M C R 2889 |
| J. Dale Adams, | M C R 2898 |
| William L. Blakley, | M C R 2890 |
| Sarah M. Adams, et al., | M C R 2901 |
| Merlin C. Adams, et al., | M C R 2902 |
| Thomas B. Ross, et al., | M C R 2903 |
| Arthur A. Ross, et al., | M C R 2904 |
| Mattie Forsythe, et al., | M C R 2997 |
| Maria Gipson, et al., | M C R 3139 |
| Lawrence L. Boyd, et al., | M C R 3154 |
| Joseph K. Boyd, et al., | M C R 3155 |
| Nora B. Hilley, | M C R 3156 |
| William F. Walker, | M C R 3157 |
| John Owens, | M C R 3158 |

| | | |
|--------------------------------|-------|------|
| William J. Adams, | M C R | 3854 |
| Cynthia Adams Hill, et al., | M C R | 3863 |
| William M. Blakeley, et al., | M C R | 4148 |
| Ida Calame, et al., | M C R | 1487 |
| Mollie Blacklidge, | M C R | 1489 |
| Aleck Blacklidge, et al., | M C R | 1490 |
| Lula Haskins, et al., | M C R | 1488 |
| John Jordan, et al., | M C R | 1469 |
| Frances O. Vollentine, et al., | M C R | 5063 |
| John T. Vollentine, | M C R | 5064 |
| Callie V. Bryant, et al., | M C R | 5065 |
| William S. Blakeley, et al., | M C R | 5066 |
| James E. Blakeley, et al., | M C R | 5067 |
| Ralph Tyler, | M C R | 5068 |
| Walter S. Blakeley, et al., | M C R | 5069 |
| Mary M. Bird, et al., | M C R | 5321 |
| Cora Laugston, et al., | M C R | 5322 |
| Annie C. Lawhon, et al., | M C R | 5323 |
| Laura E. Bird, et al., | M C R | 5324 |
| Oscar Thomas Boyd, et al., | M C R | 5448 |
| John Blakeley, et al., | M C R | 5873 |
| Albany Kennedy, et al., | M C R | 5874 |
| Mary Frances Knowles, et al., | M C R | 5875 |
| Sarah A. Harris, et al., | M C R | 5876 |
| Thomas L. Kennedy, | M C R | 5877 |
| Robert E. Kennedy, et al., | M C R | 5878 |
| James Overstreet, et al., | M C R | 499 |
| Thomas J. Overstreet, et al., | M C R | 500 |
| William H. Overstreet, | M C R | 503 |
| Belle Rape, et al., | M C R | 504 |
| Cornelius L. Overstreet, | M C R | 505 |
| Riley Overstreet, et al., | M C R | 506 |
| Rebecca Overstreet, et al., | M C R | 507 |
| John A. Overstreet, et al., | M C R | 508 |
| John F. Overstreet, et al., | M C R | 554 |
| Emma Simpson, et al., | M C R | 674 |

These applications were made under the provision of the act of Congress of June 28, 1898 (30 Stats., 495) which is as follows:

“ Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto and make report to the Secretary of the Interior.”

Said decision concludes as follows:

“ It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Tempie McAllister, Bernice McAllister, Bruce McAllister, Robert E. Lee, Remah Lee, Ruth Lee, Robert Lee, Bessie Lee, Stella Lee, Melissa Boyd, Ethel Sherrer, Fred Lee, Vernile Lee, Jacob C. Lee, William Lee, Ray Lee, Jessie D. Lee, Jacob W. Lee, Clairbel Lee, Nannie Wood, Sybil Wood, Lula H. Wood, Claudia Murray, Emmitt Murray, George W. Lee, Mary A. Lee, Laura M. Lee, Jacob W. Lee (2), George E. Lee, William S. Lee, Benjamin Lee, Winnie Lee, Shade Gore, Nancy A. Williams, George Washington Williams, Rhoda Williams, Elisha A. Williams, Hiram Blakeley, Ella Blakeley, Annie Blakeley, Johnnie Blakeley, William Lee (2), Robert E. Lee (2), William N. Lee, Zorah E. Lee, Dora A. Lee, Granville H. Lee, Jacob H. Lee, Nancy A. Schmidt, Johnnie H. Schmidt, Fred B. Lee, Lillian Thomas, Josie Thomas, Charles Porter Thomas, William Vernon Thomas, Robert Oral Thomas, Anna Thomas, Ira Thomas, Nettie Thomas, Margie Adams, Leila N. Adams, Willie M. Adams, Robert Adams, Lizzie Adams, John David Adams, Jeff Adams, Jennie Adams, Sallie Lou

Adams, Oral Boyd, Amanda May Boyd, Lillie Gertrude Boyd, William Curtis Boyd, William D. Williamson, Edgar Williamson, Joseph D. Williamson, Fannie Williamson, Annie Williamson, Jewel Williamson, Susie Williamson, William Cary Williamson, Arcada DuBose, Hiram H. Walker, Henry Walker, Jim Walker, Albert Edward Boyd, Olive Smith, Carlie Smith, William Cary DuBose, Hattie V. DuBose, Robert Chester DuBose, C. B. DuBose, J. Dale Adams, William L. Blakeley, Sarah M. Adams, W. Lynn Adams, Merlin C. Adams, Wallace Adams, Thomas B. Ross, Lilly May Ross, Vonnice Bysmark Ross, David Harnett Ross, William Malcolm Ross, Scenie Vore Ross, Arthur A. Ross, Tommie Ross, Media Ross, Mallia Ross, Ollie Mildred Ross, Mattie Forsythe, Freddy Forsythe, Burtty Forsythe, Maria Gipson, James Owens, Eugene Owens, Florence Owens, Conrad Gipson, Dalton Gipson, Lawrence L. Boyd, Henry Boyd, Gussie Boyd, Richard Boyd, Beatrice Boyd, Joseph K. Boyd, Froni Boyd, Frances Boyd, Allene Boyd, Nora B. Hilley, William F. Walker, John Owens, William J. Adams, Cynthia Adams Hill, Ermene Hill, Mark Hill, Annie Hill, Ada Hill, Robert Hill, William H. Blakeley, Ada R. Blakeley, Walter R. Blakeley, Thomas I. Blakeley, Francis J. Blakeley, Della Blakeley, Ida M. Blakeley, Hiram Blakeley (2), Ira J. Blakeley, Edgar Blakeley, Ida Cahane, Della Cahane, Bessie Cahane, Nora Cahane, Mollie Blackledge, Aleck Blackledge, Ellen Blackledge, Lee Blackledge, Leonard Blackledge, Lula Haskins, Rebecca Haskins, Minnie Haskins, Thomas Haskins, Lee Haskins, Vivian Haskins, Nellie Haskins, John Jordan, Elmer Jordan, Austin Jordan, Robert Jordan, Joseph B. Jordan, Effie M. Jordan, James Monroe Jordan, Frances O. Vollentine, Alice A. Vollentine, Edgar O. Vollentine, Mattie L. Vollentine, Ernest E. Vollentine, John T. Vollentine, Callie V. Bryant, Bertha Lee Bryant, Mamie A. Bryant, Harvey Leland Bryant, William S. Blakeley, Marshal Blakeley, Homer Blakeley, Sallie Blakeley, James E. Blakeley, Minnie Lee Blakeley, William Edward Blakeley, Jesse Ray Blakeley, Ralph Tyler, Walter S. Blakeley, Ida L. Blakeley, Robert L. Blakeley, Albert H. Blakeley, Edgar D. Blakeley, Lucy Emma Blakeley, Claud C. Blakeley, Ernest V. Blakeley, Mary M. Bird, Mollie H. Bird, Gracie H. Bird, Alfred M. Bird, Carl W. Bird, Cora Langston, Elmer N. Langston, Annie C. Lawhon, Ferrel Young Lawhon, Frank George Lawhon, Laura E. Bird, Cleary C. Bird, Roy Floyd Bird, William Ray Bird, Oscar Thomas Boyd, Lola Thelma Boyd, Albert Pickens Boyd, John Blakeley, Sidney Blakeley, Lizzie Blakeley, Flora Blakeley, Albany Kennedy, Phoebe Alice Kennedy, Mary Frances Knowles, Ludie William Knowles, Julia Albany Knowles, Claudie Martin Knowles, Sarah A. Harris, William Harrison Harris, Robert R. Harris, Wedona Harris, Julia Ann Harris, Thomas L. Kennedy, Robert E. Kennedy, Ada M. Kennedy, James Overstreet, Ellen Nora Overstreet, Etta May Overstreet, Viola Overstreet, Birdie Lilly Overstreet, Thomas J. Overstreet, Minnie Overstreet, Clare Overstreet, Mattie Overstreet, Hattie Overstreet, Wilmoth Overstreet, Coleman Overstreet, William H. Overstreet, Belle Rape, Jaunita Rape, Leslie Irving Rape, Cornelius L. Overstreet, Riley Overstreet, Rebecca Overstreet, Olivia Estella Overstreet, James Ernest Overstreet, Cora Overstreet, John A. Overstreet, John F. Overstreet, Myrtie Overstreet, Mary C. Overstreet, Emma May Overstreet, John W. Overstreet, Julius Overstreet, Emma Simpson, Roy F. Simpson, Okla Simpson and Homa Simpson, as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the applications for their identification as such should be refused, and it is so ordered.

"It is the further opinion of this Commission that under the provision of law above quoted, no person is entitled to identification as a Mississippi Choctaw by marriage, and that the applications made by James Overstreet for the identification of his wife, Martha Jane Overstreet; by Thomas J. Overstreet for the identification of his wife, Penelope R. Overstreet; by Belle Rape for the identification of her husband, William J. Rape; by Riley Overstreet for the identification of his wife, Ida Nora Overstreet; by Rebecca Overstreet for the identification of herself; by John A. Overstreet for the identification of his wife, Nora A. Overstreet; and by John F. Overstreet for the identification of his wife, Addie Overstreet, as intermarried Mississippi Choctaws, should, therefore be refused, and it is so ordered."

You are further advised that you will be allowed fifteen days from the date hereof within which to file arguments in this office, and that at the expiration of said time the papers in the case together with such arguments will be forwarded to the Secretary of the Interior, through the Commissioner of Indian Affairs.

Respectfully,

Registered.

Acting Chairman.

M.C.R. 5876.

COPY.

Muskegee, Indian Territory, July 13, 1903.

Sarah A. Harris,

Here, Mississippi.

Dear Madam:

You are hereby notified that on the 20th day of May, 1903, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Tempie McAllister, et al., of which decision you were advised by registered mail on the 23rd day of January, 1903.

Respectfully,

(SIGNED)

I. B. McAllister

Commissioner in Charge.

MCR 5876

Muskogee, Indian Territory, December 6, 1906.

Sarah A. Harris,

Meru, Mississippi.

Dear Madam :--

You are hereby notified that the Secretary of the Interior on November 24, 1906, denied a motion filed in this office June 26, 1906, by T. E. Taylor, Attorney at Law, South McAlester, Indian Territory, for rehearing in the consolidated Mississippi Choctaw case of Temple McAllister, et al.

Respectfully,

Acting Commissioner.

For Identification as a Mississippi Choctaw.

Date July 2, 1882
 Name Sarah A. Harris
 Age 26 Blood 1/6
 Post-Office. Hero, Miss.
 Father: T. M. Kennedy L
 Mother Albany " L
 Claims through mother
 husband
 R. D. Harris L
 No claim for husband.

Children:

William A. Harris 10
 Robert R. " 7
 Weldon " 4
 Julia A. " 8mo

1882 1884 1886 1888 1890 1892 1894 1896 1898 1900

Stenographer Clara M. Ward

Choctaw MCR 5877

*Thomas L. Kennedy

See MCR 2857

MCR 5877

5877

Department of the Interior.
Commission to the Five Civilized Tribes.
Muskogee, Indian Territory, June 25, 1902.

In the matter of the application of Thomas L. Kennedy
for identification as a Mississippi Choctaw.

Thomas L. Kennedy being first duly sworn testified as
follows:

Examination by the Commission:

- Q What is your name? A T. L. Kennedy.
Q What's that "T" for? A Thomas.
Q How old are you Mr. Kennedy? A Twenty-seven years old.
Q How much Choctaw blood do you claim to have? A One-sixteenth.
Q What's your post office address? A Newton, Post Office,
Newton County.
Q How long have you lived in Newton County Mississippi?
A All my life.
Q Father living? A Yes sir.
Q What's his name? A T.N. Kennedy.
Q Mother living? A Yes sir.
Q What's her name? A Albany Kennedy.
Q Through which one of your parents do you derive your
Choctaw blood? A Mother.
Q Is the Albany Kennedy who appeared before the Commission
here this morning your mother? A Yes sir.
Q Are you married? A Yes sir.
Q Is your wife living? A Yes sir.
Q What's her name? A Ida L.
Q Has she any Choctaw blood? A No sir.
Q You make no claim for her? A No sir.
Q Have you any children? A No sir.
Q This application then is for yourself only? A Yes sir.
Q Is your name on any of the Choctaw tribal rolls in Indian
Territory? A No sir.
Q Has any application of any description ever been made in
your behalf to the Choctaw tribal authorities in Indian
Territory to be enrolled or admitted as a citizen of that
tribe? A No sir.
Q Did you or anyone for you in the year 1896 make application
to the Commission to the Five Civilized Tribes for citizen-
ship in the Choctaw Nation under the act of Congress approved
June 10, 1896? A No sir.
Q Then you never have been admitted to citizenship in the
Choctaw Nation either by the Choctaw tribal authorities, the
Commission to the Five Civilized Tribes or the United States
Court for the Indian Territory have you? A No sir.
Q You appear before the Commission at this time for the
purpose of claiming rights in the Choctaw lands in Indian
Territory under the provisions of the fourteenth article
of the treaty of Dancing Rabbit Creek? A Yes sir.

The treaty of Dancing Rabbit Creek was entered into
in the state of Mississippi on the 27th day of September
1830 between the United States and the Choctaw tribe of
Indians. At the time this treaty was made the Choctaws
lived in Mississippi and along the western edge of the
state of Alabama; the object of the treaty was to get those
Indians to move from the country occupied by them in

Mississippi and Alabama to a new country west of the Mississippi river, part of which is now occupied by the greater portion of the Choctaw tribe and is commonly known as the Choctaw Chickasaw Country Indian Territory. At the time the treaty was made some of those Indians were unwilling to leave the old nation and for the benefit of those who preferred to stay there, what is known as the fourteenth article was put into the treaty. That fourteenth article provided that upon certain conditions the Choctaws who preferred to stay in Mississippi and not move to the new country might receive land in Mississippi from the government. It is as follows:

"Each Choctaw head of a family being desirous to remain and become a citizen of the states shall be permitted to do so by signifying his intention to the agent within six months from the ratification of this treaty and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of ~~at~~ land to be bounded by sectional lines of survey; in like manner shall be entitled to one half that quantity for each unmarried child which is living with him over ten years of age and a quarter section to such ~~an~~ child as may be under ten years of age to adjoin the location of the parent; if they reside upon said lands intending to become citizens of the states for five years after the ratification of this treaty, in that case a grant in fee simple shall issue. Said reservation shall include the present improvement of the head of the family or a portion of it. Persons who claim under this article shall not lose the privilege of a Choctaw citizen but ~~if~~ they ever remove are not to be entitled to any portion of the Choctaw annuity."

- Q You understand that fourteenth article do you? A Yes sir.
- Q Did any of your ancestors ever comply or attempt to comply with the provisions or ever receive any benefits under that article to your knowledge? A No sir.
- Q Did any of them own improvements in what constitutes the old Choctaw Nation in Mississippi or Alabama in the year 1830 when this treaty of Dancing Rabbit Creek was made? A Not that I know of.
- Q Did any of them live there at the time to your knowledge? A No sir not to my knowledge.
- Q Did any of them remove to the present Choctaw Nation Indian Territory at the time of the removal of the greater portion of the Choctaw tribe of Indians between the years 1837 and 1838? A No sir.
- Q Did any of them within six months after the treaty of Dancing Rabbit Creek was ratified let the agent of the government in Mississippi for the Choctaws know they wanted to stay in Mississippi and take land? A Sir?
- Q Did any of your people let the agent of the government in Mississippi for the Choctaws know, within six months from the time the treaty was ratified that they wanted to stay in Mississippi, take land and become citizens of the states? A Not that I know of.
- Q Did any of your Choctaw ancestors ever claim or receive any benefits from the government of the United States under the

fourteenth article of the treaty of Dancing Rabbit Creek?

A No sir not that I know of.

In accordance with the provisions of the fourteenth article of the treaty of Dancing Rabbit Creek, the government of the United States directed an agent in Mississippi to register the names of such Choctaws as desired to remain in Mississippi, take land and become citizens of the states. The records of the government show that this agent failed to register and report to the government the names of ~~all~~ a great many Choctaws who did let him know they wanted to stay and become citizens of the states; on this account the government at its public land sales in Mississippi in many instances sold land on which Choctaws had improvements and which they supposed had been reserved for them under the fourteenth article of the treaty; this caused a great deal of complaint among the Indians and the matter was finally brought to the attention of Congress and Congress passed certain acts between the years 1837 and 1842 providing for the appointment of Commissioners to go into Mississippi and hear the cases of Choctaws who claimed they had complied in all respects with the provisions of the fourteenth article but that the land had been sold by the government. These commissioners were appointed by the president of the United States and they went and heard a great many of those Choctaw cases.

Q Did any of your ancestors go before these commissioners and attempt to establish their rights? A None that I know of.

An act of Congress approved the 23rd day of August 1842 provided that in case it had been finally decided that a Choctaw had complied in all respects with the fourteenth article of the treaty of Dancing Rabbit Creek but that his land had been sold by the government he should be entitled to select land to take the place of the land so sold by the government some place else in Mississippi Alabama Louisiana or Arkansas and should be given a certificate to that effect; these certificates were called scrip.

Q Did any of your ancestors ever get any of this scrip from the government of the United States under this act of Congress? A Not that I know of.

Q So far as you know then none of your Choctaw ancestors ever received any benefits whatever as Choctaw Indians?

A No sir.

Q Had none of them were ever recognized members of the tribe to your knowledge? A Not to my knowledge.

Q Do you know of any old persons living who would likely know whether any of your ancestors complied or attempted to comply with the provisions of the fourteenth article of the treaty of Dancing Rabbit Creek? A No sir.

Q Do you know of any written evidence which would prove or tend to prove such a state of facts? A No sir.

Q Have you any written evidence at this time to offer in support of your application? A No sir.

Q Have you any witnesses here today to testify in your behalf? A Yes.

Q How many? A One.

Q What's his name? A W. S. Blakeley.

Q What relation is he to you? A Uncle.

Reference is hereby made to M.C.R.5066. W.S.Blakeley et al.

Q You want to have your case considered in connection with his application? A Yes sir.

Q You have no other witnesses? A No sir.

If you should find any witnesses whose testimony you desire to have taken before the Commission they may appear before us within ten days from to-day and their testimony will be taken; if you have any written evidence of any kind you want to offer in support of your application such written evidence may be presented within ten days from today and will receive consideration.

Q Have you any further statement you want to make? A No sir.

Q Do you speak or understand the Choctaw language? A No sir.

The applicant has the appearance of a white man; shows no indications of being possessed of Indian blood; has dark hair dark complexion; gray eyes; does not speak or understand the Choctaw language; has no knowledge of compliance on part of his ancestors with the provisions of the fourteenth article of the treaty of Dancing Rabbit Creek.

Clara Mitchell Wood being first duly sworn upon her oath states that as stenographer for the Commission to the Five Civilized Tribes she reported in full all proceedings had in the above entitled cause on the 25th day of June 1902 and that the above and foregoing is a full true and correct transcript of her stenographic notes of said proceedings on said date.

Clara Mitchell Wood.

Subscribed and sworn to before me this 27th day of June 1902.

Guy L. V. Emerson
Notary Public.

COMMISSIONERS
HENRY L. DAWES.
TAMM BIXBY.
THOMAS B. NEEDLES.
C. R. BRECKINRIDGE.

ALLISON L. AYLESWORTH.
SECRETARY

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.

REFER IN REPLY TO THE FOLLOWING

M. C. R. 5877.

Muskogee, Indian Territory, January 23, 1903.

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES

Thomas L. Kennedy,

Newton, Mississippi.

You are hereby advised that on the 23rd day of January, 1903, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Tempie McAllister, et al., embracing the following applications for identification as Mississippi Choctaws:

| | |
|--------------------------------|------------|
| Tempie McAllister, et al., | M C R 2857 |
| Robert E. Lee, et al., | M C R 1468 |
| Melissa Boyd, | M C R 1485 |
| Ethel Sherrer, | M C R 1486 |
| Fred Lee, | M C R 1491 |
| Vernile Lee, | M C R 1492 |
| Jacob C. Lee, et al., | M C R 1515 |
| Nannie Wood, et al., | M C R 1516 |
| Claudia Murray, et al., | M C R 1517 |
| George W. Lee, et al., | M C R 1518 |
| Shade Gore, | M C R 1519 |
| Nancy A. Williams, et al., | M C R 1743 |
| Hiram Blakeley, et al., | M C R 2541 |
| William Lee, et al., | M C R 2559 |
| Jacob H. Lee, | M C R 2694 |
| Nancy A. Schmidt, et al., | M C R 2695 |
| Fred B. Lee, | M C R 2696 |
| Lillian Thomas, et al., | M C R 2853 |
| Margie Adams, et al., | M C R 2854 |
| Oral Boyd, et al., | M C R 2855 |
| William D. Williamson, et al., | M C R 2856 |
| Arcada DuBose, et al., | M C R 2858 |
| Albert Edward Boyd, | M C R 2859 |
| Olive Smith, et al., | M C R 2888 |
| William Cary DuBose, | M C R 2889 |
| J. Dale Adams, | M C R 2898 |
| William L. Blakley, | M C R 2890 |
| Sarah M. Adams, et al., | M C R 2901 |
| Merlin C. Adams, et al., | M C R 2902 |
| Thomas B. Ross, et al., | M C R 2903 |
| Arthur A. Ross, et al., | M C R 2904 |
| Mattie Forsythe, et al., | M C R 2997 |
| Maria Gipeon, et al., | M C R 3139 |
| Lawrence L. Boyd, et al., | M C R 3154 |
| Joseph K. Boyd, et al., | M C R 3155 |
| Nora B. Hilley, | M C R 3156 |
| William F. Walker, | M C R 3157 |
| John Owens, | M C R 3158 |

| | | |
|--------------------------------|-------|------|
| William J. Adams, | M C R | 3854 |
| Cynthia Adams Hill, et al., | M C R | 3863 |
| William M. Blakeley, et al., | M C R | 4148 |
| Ida Calame, et al., | M C R | 1487 |
| Mollie Blacklidge, | M C R | 1489 |
| Aleck Blacklidge, et al., | M C R | 1490 |
| Lula Haskins, et al., | M C R | 1488 |
| John Jordan, et al., | M C R | 1469 |
| Frances O. Vollentine, et al., | M C R | 5063 |
| John T. Vollentine, | M C R | 5064 |
| Callie V. Bryant, et al., | M C R | 5065 |
| William S. Blakeley, et al., | M C R | 5066 |
| James E. Blakeley, et al., | M C R | 5067 |
| Ralph Tyler, | M C R | 5068 |
| Walter S. Blakeley, et al., | M C R | 5069 |
| Mary M. Bird, et al., | M C R | 5321 |
| Cora Langston, et al., | M C R | 5322 |
| Annie C. Lawhon, et al., | M C R | 5323 |
| Laura E. Bird, et al., | M C R | 5324 |
| Oscar Thomas Boyd, et al., | M C R | 5448 |
| John Blakeley, et al., | M C R | 5873 |
| Albany Kennedy, et al., | M C R | 5874 |
| Mary Frances Knowles, et al., | M C R | 5875 |
| Sarah A. Harris, et al., | M C R | 5876 |
| Thomas L. Kennedy, | M C R | 5877 |
| Robert E. Kennedy, et al., | M C R | 5878 |
| James Overstreet, et al., | M C R | 499 |
| Thomas J. Overstreet, et al., | M C R | 500 |
| William H. Overstreet, | M C R | 503 |
| Belle Rape, et al., | M C R | 504 |
| Cornelius L. Overstreet, | M C R | 505 |
| Riley Overstreet, et al., | M C R | 506 |
| Rebecca Overstreet, et al., | M C R | 507 |
| John A. Overstreet, et al., | M C R | 508 |
| John F. Overstreet, et al., | M C R | 554 |
| Emma Simpson, et al., | M C R | 674 |

These applications were made under the provision of the act of Congress of June 28, 1898 (30 Stats., 495) which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto and make report to the Secretary of the Interior."

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Tempie McAllister, Bernice McAllister, Bruce McAllister, Robert E. Lee, Remah Lee, Ruth Lee, Robert Lee, Bessie Lee, Stella Lee, Melissa Boyd, Ethel Sherrer, Fred Lee, Vernile Lee, Jacob C. Lee, William Lee, Ray Lee, Jessie D. Lee, Jacob W. Lee, Clairbel Lee, Nannie Wood, Sybil Wood, Lula H. Wood, Claudia Murray, Emmitt Murray, George W. Lee, Mary A. Lee, Laura M. Lee, Jacob W. Lee (2), George E. Lee, William S. Lee, Benjamin Lee, Winnie Lee, Shade Gore, Nancy A. Williams, George Washington Williams, Rhoda Williams, Elisha A. Williams, Hiram Blakeley, Ella Blakeley, Annie Blakeley, Johnnie Blakeley, William Lee (2), Robert E. Lee (2), William N. Lee, Zorah E. Lee, Dora A. Lee, Granville H. Lee, Jacob H. Lee, Nancy A. Schmidt, Johnnie H. Schmidt, Fred B. Lee, Lillian Thomas, Josie Thomas, Charles Porter Thomas, William Vernon Thomas, Robert Oral Thomas, Anna Thomas, Ira Thomas, Nettie Thomas, Margie Adams, Leila N. Adams, Willie M. Adams, Robert Adams, Lizzie Adams, John David Adams, Jeff Adams, Jennie Adams, Sallie Lou

Adams, Oral Boyd, Amanda May Boyd, Lillie Gertrude Boyd, William Curtis Boyd, William D. Williamson, Edgar Williamson, Joseph D. Williamson, Fannie Williamson, Annie Williamson, Jewel Williamson, Susie Williamson, William Cary Williamson, Arenda DuBose, Hiram H. Walker, Henry Walker, Jim Walker, Albert Edward Boyd, Olive Smith, Carlisle Smith, William Cary DuBose, Hattie V. DuBose, Robert Chester DuBose, C. B. DuBose, J. Dale Adams, William L. Blakeley, Sarah M. Adams, W. Lynn Adams, Merlin C. Adams, Wallace Adams, Thomas B. Ross, Lilly May Ross, Vonnice Bysmark Ross, David Harnett Ross, William Malcolm Ross, Scenie Vore Ross, Arthur A. Ross, Tommie Ross, Media Ross, Mallia Ross, Ollie Mildred Ross, Mattie Forsythe, Freddy Forsythe, Burtty Forsythe, Maria Gipson, James Owens, Eugene Owens, Florence Owens, Conrad Gipson, Dalton Gipson, Lawrence L. Boyd, Henry Boyd, Gussie Boyd, Richard Boyd, Beatrice Boyd, Joseph K. Boyd, Froni Boyd, Frances Boyd, Allene Boyd, Nora B. Hilley, William F. Walker, John Owens, William J. Adams, Cynthia Adams Hill, Ermine Hill, Mark Hill, Annie Hill, Ada Hill, Robert Hill, William H. Blakeley, Ada R. Blakeley, Walter R. Blakeley, Thomas I. Blakeley, Francis J. Blakeley, Della Blakeley, Ida M. Blakeley, Hiram Blakeley (2), Ira J. Blakeley, Edgar Blakeley, Ida Calame, Della Calame, Bessie Calame, Nora Calame, Mollie Blackledge, Aleck Blackledge, Ellen Blackledge, Lee Blackledge, Leonard Blackledge, Lula Haskins, Rebecca Haskins, Minnie Haskins, Thomas Haskins, Lee Haskins, Vivian Haskins, Nellie Haskins, John Jordan, Elmer Jordan, Austin Jordan, Robert Jordan, Joseph B. Jordan, Effie M. Jordan, James Monroe Jordan, Frances O. Vollentine, Alice A. Vollentine, Edgar O. Vollentine, Mattie L. Vollentine, Ernest E. Vollentine, John T. Vollentine, Callie V. Bryant, Bertha Lee Bryant, Mamie A. Bryant, Harvey Leland Bryant, William S. Blakeley, Marshal Blakeley, Homer Blakeley, Sallie Blakeley, James E. Blakeley, Minnie Lee Blakeley, William Edward Blakeley, Jesse Ray Blakeley, Ralph Tyler, Walter S. Blakeley, Ida L. Blakeley, Robert L. Blakeley, Albert H. Blakeley, Edgar D. Blakeley, Lucy Emma Blakeley, Claud C. Blakeley, Ernest V. Blakeley, Mary M. Bird, Mollie H. Bird, Gracie H. Bird, Alfred M. Bird, Carl W. Bird, Cora Langston, Elmer N. Langston, Annie C. Lawhon, Ferrel Young Lawhon, Frank George Lawhon, Laura E. Bird, Cleary C. Bird, Roy Floyd Bird, William Ray Bird, Oscar Thomas Boyd, Lola Thelma Boyd, Albert Pickens Boyd, John Blakeley, Sidney Blakeley, Lizzie Blakeley, Flora Blakeley, Albany Kennedy, Phoebe Alice Kennedy, Mary Frances Knowles, Ludie William Knowles, Julia Albany Knowles, Claudie Martin Knowles, Sarah A. Harris, William Harrison Harris, Robert R. Harris, Wedona Harris, Julia Ann Harris, Thomas L. Kennedy, Robert E. Kennedy, Ada M. Kennedy, James Overstreet, Ellen Nora Overstreet, Etta May Overstreet, Viola Overstreet, Birdie Lilly Overstreet, Thomas J. Overstreet, Minnie Overstreet, Clare Overstreet, Mattie Overstreet, Hattie Overstreet, Wilmoth Overstreet, Coleman Overstreet, William H. Overstreet, Belle Rape, Juanita Rape, Leslie Irving Rape, Cornelius L. Overstreet, Riley Overstreet, Rebecca Overstreet, Olivia Estell Overstreet, James Ernest Overstreet, Cora Overstreet, John A. Overstreet, John F. Overstreet, Myrtie Overstreet, Mary C. Overstreet, Emma May Overstreet, John W. Overstreet, Julius Overstreet, Emma Simpson, Roy F. Simpson, Okla Simpson and Homa Simpson, as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the applications for their identification as such should be refused, and it is so ordered.

"It is the further opinion of this Commission that under the provision of law above quoted, no person is entitled to identification as a Mississippi Choctaw by marriage, and that the applications made by James Overstreet for the identification of his wife, Martha Jane Overstreet; by Thomas J. Overstreet for the identification of his wife, Penelope R. Overstreet; by Belle Rape for the identification of her husband, William J. Rape; by Riley Overstreet for the identification of his wife, Ida Nora Overstreet; by Rebecca Overstreet for the identification of herself; by John A. Overstreet for the identification of his wife, Nora A. Overstreet; and by John F. Overstreet for the identification of his wife, Addie Overstreet, as intermarried Mississippi Choctaws, should, therefore be refused, and it is so ordered."

You are further advised that you will be allowed fifteen days from the date hereof within which to file arguments in this office, and that at the expiration of said time the papers in the case together with such arguments will be forwarded to the Secretary of the Interior, through the Commissioner of Indian Affairs.

Respectfully,

Registered.

Acting Chairman.

M.C.R. 5877.

COPY

Muskogee, Indian Territory, July 13, 1903.

Thomas L. Kennedy,
Newton, Mississippi.

Dear Sir:

You are hereby notified that on the 20th day of May, 1903, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Temple McAllister, et al., of which decision you were advised by registered mail on the 23rd day of January, 1903.

Respectfully,

T. B. Needles.
Commissioner in Charge.

MCR 5877

Muskogee, Indian Territory, December 6, 1906.

Thomas L. Kennedy,
Newton, Mississippi.

Dear Sir :--

You are hereby notified that the Secretary of the Interior on November 24, 1906, denied a motion filed in this office June 26, 1906, by T. D. Taylor, Attorney at Law, South McAlester, Indian Territory, for rehearing in the consolidated Mississippi Choctaw case of Temple McAllister, et al.

Respectfully,

Acting Commissioner.

No. 5877

For Identification as a Mississippi Choctaw.

Date Oct 2, 1906

Name Thomas L. Kennedy

Age 27 Blood 1/16

Post-Office. Newton, Miss.

Father T. M. Kennedy L

Mother Albany " L

Claims through mother.

wife: Ida L. Kennedy L
No claim for wife

Children

L

Stenographer

Clara M. Wood

Choctaw MCR 5878

Robert E. Kennedy

See MCR 2857

MCR 5878

Department of the Interior.
Commission to the Five Civilized Tribes.
Muskogee, Indian Territory, June 25, 1902.

In the matter of the application of R. E. Kennedy
for the identification of himself and his minor child
Ada M. Kennedy as Mississippi Choctaws.

R. E. Kennedy being first duly sworn testified as
follows:

Examination by the Commission:

- Q What is your name? A R. E. Kennedy.
Q What's that "E" for? A Robert.
Q How old are you? A I'm thirty.
Q How much Choctaw blood have you? A One-sixteenth.
Q What's your post office address? A Newton; Newton Miss as-
ippi.
Q How long have you lived in Newton County Mississippi?
A All my life.
Q Is your father living? A Yes sir.
Q What's his name? A T. M. Kennedy.
Q Mother living? A Yes sir.
Q What's her name? A Albany Kennedy.
Q Through which one of your parents do you derive your
Choctaw blood? A Mother.
Q Is the Albany Kennedy who appeared before the Commission
here this morning your mother? A Yes sir.

See M.C.R. 5874.

- Q Are you married? A Yes sir.
Q Wife living? A Yes sir.
Q What's her name? A Sallie L. Kennedy.
Q Has she any Choctaw blood? A None that I know of.
Q You make no claim for her then? A No sir.
Q Have you any children? A Yes sir.
Q How many? A One.
Q What's that child named? A Ada M. Kennedy.
Q How old? A Eight years old.
Q Is the child living with you at this time? A Yes sir.
Q Is she the daughter of yourself and Sallie Kennedy?
A Yes sir.
Q This application then is for yourself and one child?
A Yes sir.
Q Were you married to Sallie Kennedy under a license?
A Yes sir.
Q Where did you get that license? A Decatur.
Q Who married you? A Simmons - member of the Board of
Supervisors.
Q Have you that license and certificate with you at this time?
A No sir.

It will be necessary that you furnish the Commission
with proper evidence of your marriage to Sallie L. Kennedy
for use and consideration in the application which you

make in behalf of your minor child; you will be allowed ten days in which to present such evidence.

Q This application is for yourself and your minor child?

A Yes sir.

Q Is your name or the name of this child to be found on any of the Choctaw tribal rolls in Indian Territory?

A Not that I know of.

Q Has any application of any description ever been made to the Choctaw tribal authorities for yourself and this child for the purpose of establishing your rights as Choctaw s? A Not that I know of.

Q Did you or anyone for you in the year 1896 make application to the Commission to the Five Civilized Tribes for citizenship in the Choctaw Nation for yourself and this child under the act of Congress approved June 10, 1896? A No sir.

Q Then neither you nor this child have ever been admitted to citizenship in the Choctaw Nation by the Choctaw tribal authorities, the Commission to the Five Civilized Tribes or the United States Court in Indian Territory?

A No sir.

Q You appear before the Commission at this time for the purpose of obtaining rights in the Choctaw lands in Indian Territory for yourself and minor child under the fourteenth article of the treaty of Dancing Rabbit Creek.?

A Yes sir.

Q

This treaty of Dancing Rabbit Creek was entered into in the state of Mississippi on the 27th day of September 1830 between the government of the United States and the Choctaw tribe of Indians, at the time this treaty was made the Choctaws lived in Mississippi and along the western edge of the state of Alabama; the object of the treaty was to secure the removal of the Indians from the country they then occupied in Mississippi and Alabama to a new country west of the Mississippi river part of which is now occupied by the greater portion of the Choctaw Indians and is commonly known as the Choctaw Chickasaw Country. At the time the treaty was made some of those Indians were unwilling to leave the old Choctaw Nation and for the benefit of those Indians the fourteenth article was put into the treaty; that fourteenth article provided that upon certain conditions Choctaws who preferred to remain in Mississippi and not move to the new nation might receive land in Mississippi from the government; it is as follows:

"Each Choctaw head of a family being desirous to remain and become a citizen of the states shall be permitted to do so by signifying his intention to the agent within six months from the ratification of this treaty and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land to be bounded by sectional lines of survey; in like manner shall be entitled to one half that quantity for each unmarried child which is living with him over ten years of age and a quarter section to each child as may be under ten years of age to adjoin the location of the parent. If they reside upon said lands intending to become citizens of the states for five years after the ratification of this treaty in

that case a grant in fee simple shall issue; said reservation shall include the present improvement of the head of the family or a portion of it; persons claiming under this article shall not lose the privilege of a Choctaw citizen but if they ever remove are not to be entitled to any portion of the Choctaw annuity."

- Q You understand that fourteenth article do you? A Yes sir I think I do.
- Q Did any of your Choctaw ancestors ever comply or attempt to comply with its provisions or ever receive any benefits under that article? A No sir. Not that I know of.
- Q Did any of them own improvements in what constituted the old Choctaw Nation in Mississippi or Alabama in 1830 and when the treaty was made? A No sir not that I know of.
- Q Did any of them live in the old Choctaw Nation at that time? A I don't know.
- Q Did any of them remove to the present Choctaw Nation at the time of the removal of the tribe between the years 1837 and 1838? A No sir not that I know of.
- Q Did any of them within six months after the treaty of Dancing Rabbit Creek was made let the agent of the government for the Choctaws know they wanted to stay in Mississippi become citizens of the states and take land?
- A No sir.
- Q Did any of them ever claim to have received any land from the government of the United States under the provisions of the fourteenth article of the treaty of Dancing Rabbit Creek? A No sir.
- Q Did any of them ever receive any benefits whatever from the government as Choctaw Indians? A No sir; none to my knowledge.

In accordance with the provisions of the fourteenth article of the treaty of Dancing Rabbit Creek the government of the United States directed an agent in the state of Mississippi to register the names of such Choctaws as might desire to remain and become citizens of the states. The records of the Commission show that this agent failed to register and report to the government the names of a great many who did let him know they wanted to stay in Mississippi become citizens of the states and take land. On this account the government at its public land sales in many instances sold land upon which the Choctaws lived and had improvements and which they supposed they would receive under the fourteenth article of the treaty; this caused a great many complaints and the matter was finally brought to the attention of Congress and Congress passed certain acts between 1837 and 1842 providing for the appointment of Commissioners to go down into Mississippi and hear the cases of Choctaws who claimed they had complied with the provisions of the fourteenth article of the treaty but that their land had been sold by the government; these commissioners were duly appointed by the president of the United States and they went down to the state of Mississippi and heard a great many cases.

- Q Did any of your Choctaw ancestors appear before these Commissioners and attempt to establish their rights under the fourteenth article of the treaty of Dancing Rabbit Creek?

R E Kennedy--4.

A No sir not that I know of.

The act of Congress approved the 23rd day of August 1842 provided that in case it should be finally decided that a Choctaw had complied in all respects with the provisions of the fourteenth article of the treaty of Dancing Rabbit Creek but that his land had been sold by the government he should be entitled to select in the place of the land so sold by the government, land in Mississippi, Alabama Louisiana or Arkansas from vacant government land and should be given a certificate to that effect; these certificates were called scrip.

Q Did any of your ancestors ever get any scrip from the government of the United States under this act of Congress?

A No sir.

Q Were any of your Choctaw ancestors to your knowledge ever recognized members of the Choctaw tribe of Indians? A No sir.

Q Do you know of any old persons living who would likely know whether any of your ancestors ever complied or attempted to comply with the provisions of article fourteen of the treaty of Dancing Rabbit Creek or ever received any benefits thereunder? A No sir.

Q Do you know of any written evidence of any description which would prove or tend to prove such a state of facts?

A No sir.

Q Have you any written evidence to offer at this time in support of your application? A No sir.

Q Have you any witnesses here today to testify in your behalf?

A Yes. W. S. Blakeley.

Q What relation is he to you? A Uncle.

See M.C.R. 5066 William S. Blakeley et al.,

Should you find any witnesses whose testimony you desire to have taken before the Commission they may appear before us here at Muskogee within ten days from to-day and their testimony will be taken or if you should see fit to offer any written evidence in support of this application such evidence as may be received by the Commission within ten days from to-day will receive consideration.

Q Have you any further statements you want to make at this time. A No sir.

Q Do you speak or understand the Choctaw language? A No sir.

Q What relation is Thomas L. Kennedy to you, who has just appeared before us? A Brother.

See M.C.R. 2857.

The applicant has the appearance of being a white man; shows no particular indications of being possessed of Indian blood has dark hair rather dark complexion, gray eyes; does not speak or understand the Choctaw language; has no knowledge of compliance on part of any of his ancestors with the provisions of article fourteen of the treaty of Dancing Rabbit Creek.

R. E. Kennedy--5.

Clara Mitchell Wood being first duly sworn upon her oath states that as stenographer for the Commission to the Five Civilized Tribes she reported in full all proceedings had in the above entitled cause on the 25th day of June 1902 and that the above and foregoing is a full true and correct transcript of her stenographic notes of said proceedings on said date.

Clara Mitchell Wood

Subscribed and sworn to before me this 27th day of June 1902.

William J. Markin
Notary Public.

Miss. Choctaw B5878

Muskogee, Indian Territory, July 3, 1902.

T. M. Kennedy,

Newton, Mississippi,

Dear Sir:

Receipt is hereby acknowledged of your letter of June 28, inclosing certified copy of marriage license and certificate between R. E. Kennedy and Miss S. A. Hern, which you offer in support of the application for identification as Mississippi Choctaws of Robert E. Kennedy, et al., and the same has been duly filed with the record in the above named case.

Yours truly,

Commissioner in Charge.

COMMISSIONERS
HENRY L. DAWES.
TAMM BIXBY.
THOMAS B. NEEDLES.
C. R. BRECKINRIDGE.

ALLISON L. AYLESWORTH
SECRETARY

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.

APPEAL IN REPLY TO THE FOLLOWING

M.C.R. 5878.

Muskogee, Indian Territory, January 23, 1903.

Robert T. Kennedy,

Newton, Mississippi.

You are hereby advised that on the 23rd day of January, 1903, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Tempie McAllister, et al., embracing the following applications for identification as Mississippi Choctaws:

| | |
|--------------------------------|------------|
| Tempie McAllister, et al., | M C R 2857 |
| Robert E. Lee, et al., | M C R 1468 |
| Melissa Boyd, | M C R 1485 |
| Ethel Sherrer, | M C R 1486 |
| Fred Lee, | M C R 1491 |
| Vernile Lee, | M C R 1492 |
| Jacob C. Lee, et al., | M C R 1515 |
| Nannie Wood, et al., | M C R 1516 |
| Claudia Murray, et al., | M C R 1517 |
| George W. Lee, et al., | M C R 1518 |
| Shade Gore, | M C R 1519 |
| Nancy A. Williams, et al., | M C R 1743 |
| Hiram Blakeley, et al., | M C R 2541 |
| William Lee, et al., | M C R 2559 |
| Jacob H. Lee, | M C R 2694 |
| Nancy A. Schmidt, et al., | M C R 2695 |
| Fred B. Lee, | M C R 2696 |
| Lillian Thomas, et al., | M C R 2853 |
| Margie Adams, et al., | M C R 2854 |
| Oral Boyd, et al., | M C R 2855 |
| William D. Williamson, et al., | M C R 2856 |
| Arcada DuBose, et al., | M C R 2858 |
| Albert Edward Boyd, | M C R 2859 |
| Olive Smith, et al., | M C R 2888 |
| William Cary DuBose, | M C R 2889 |
| J. Dale Adams, | M C R 2898 |
| William L. Blakley, | M C R 2890 |
| Sarah M. Adams, et al., | M C R 2901 |
| Merlin C. Adams, et al., | M C R 2902 |
| Thomas B. Ross, et al., | M C R 2903 |
| Arthur A. Ross, et al., | M C R 2904 |
| Mattie Foreythe, et al., | M C R 2997 |
| Maria Gipson, et al., | M C R 3139 |
| Lawrence L. Boyd, et al., | M C R 3154 |
| Joseph K. Boyd, et al., | M C R 3155 |
| Nora B. Hilley, | M C R 3156 |
| William F. Walker, | M C R 3157 |
| John Owens, | M C R 3158 |

| | | |
|--------------------------------|-------|------|
| William J. Adams, | M C R | 3854 |
| Cynthia Adams Hill, et al., | M C R | 3863 |
| William M. Blakeley, et al., | M C R | 4148 |
| Ida Culame, et al., | M C R | 1487 |
| Mollie Blacklidge, | M C R | 1489 |
| Aleck Blacklidge, et al., | M C R | 1490 |
| Lula Haskins, et al., | M C R | 1488 |
| John Jordan, et al., | M C R | 1469 |
| Frances O. Vollentine, et al., | M C R | 5063 |
| John T. Vollentine, | M C R | 5064 |
| Callie V. Bryant, et al., | M C R | 5065 |
| William S. Blakeley, et al., | M C R | 5066 |
| James E. Blakeley, et al., | M C R | 5067 |
| Ralph Tyler, | M C R | 5068 |
| Walter S. Blakeley, et al., | M C R | 5069 |
| Mary M. Bird, et al., | M C R | 5321 |
| Cora Langston, et al., | M C R | 5322 |
| Annie C. Lawhon, et al., | M C R | 5323 |
| Laura E. Bird, et al., | M C R | 5324 |
| Oscar Thomas Boyd, et al., | M C R | 5448 |
| John Blakeley, et al., | M C R | 5873 |
| Albany Kennedy, et al., | M C R | 5874 |
| Mary Frances Knowles, et al., | M C R | 5875 |
| Sarah A. Harris, et al., | M C R | 5876 |
| Thomas L. Kennedy, | M C R | 5877 |
| Robert E. Kennedy, et al., | M C R | 5878 |
| James Overstreet, et al., | M C R | 499 |
| Thomas J. Overstreet, et al., | M C R | 500 |
| William H. Overstreet, | M C R | 503 |
| Belle Rape, et al., | M C R | 504 |
| Cornelius L. Overstreet, | M C R | 505 |
| Riley Overstreet, et al., | M C R | 506 |
| Rebecca Overstreet, et al., | M C R | 507 |
| John A. Overstreet, et al., | M C R | 508 |
| John F. Overstreet, et al., | M C R | 554 |
| Emma Simpson, et al., | M C R | 674 |

These applications were made under the provision of the act of Congress of June 28, 1898 (30 Stats., 495) which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto and make report to the Secretary of the Interior."

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Tempie McAllister, Bernice McAllister, Bruce McAllister, Robert E. Lee, Remah Lee, Ruth Lee, Robert Lee, Bessie Lee, Stella Lee, Melissa Boyd, Ethel Sherrer, Fred Lee, Vernile Lee, Jacob C. Lee, William Lee, Ray Lee, Jessie D. Lee, Jacob W. Lee, Clairbel Lee, Nannie Wood, Sybil Wood, Lula H. Wood, Claudia Murray, Emmitt Murray, George W. Lee, Mary A. Lee, Laura M. Lee, Jacob W. Lee (2), George E. Lee, William S. Lee, Benjamin Lee, Winnie Lee, Shade Gore, Nancy A. Williams, George Washington Williams, Rhoda Williams, Elisha A. Williams, Hiram Blakeley, Ella Blakeley, Annie Blakeley, Johnnie Blakeley, William Lee (2), Robert E. Lee (2), William N. Lee, Zorah E. Lee, Dora A. Lee, Granville H. Lee, Jacob H. Lee, Nancy A. Schmidt, Johnnie H. Schmidt, Fred B. Lee, Lillian Thomas, Josie Thomas, Charles Porter Thomas, William Vernon Thomas, Robert Oral Thomas, Anna Thomas, Ira Thomas, Nettie Thomas, Margie Adams, Leila N. Adams, Willie M. Adams, Robert Adams, Lizzie Adams, John David Adams, Jeff Adams, Jennie Adams, Sallie Lou

Adams, Oral Boyd, Amanda May Boyd, Lillie Gertrude Boyd, William Curtis Boyd, William D. Williamson, Edgar Williamson, Joseph D. Williamson, Fannie Williamson, Annie Williamson, Jewel Williamson, Susie Williamson, William Cary Williamson, Arcada DuBose, Hiram H. Walker, Henry Walker, Jim Walker, Albert Edward Boyd, Olive Smith, Carlie Smith, William Cary DuBose, Hattie V. DuBose, Robert Chester DuBose, C. B. DuBose, J. Dale Adams, William L. Blakeley, Sarah M. Adams, W. Lynn Adams, Merlin C. Adams, Wallace Adams, Thomas B. Ross, Lilly May Ross, Vonnie Bysmark Ross, David Harnett Ross, William Malcolm Ross, Scenie Vore Ross, Arthur A. Ross, Tommie Ross, Media Ross, Mallia Ross, Ollie Mildred Ross, Mattie Forsythe, Freddy Forsythe, Burtty Forsythe, Maria Gipson, James Owens, Eugene Owens, Florence Owens, Conrad Gipson, Dalton Gipson, Lawrence L. Boyd, Henry Boyd, Gussie Boyd, Richard Boyd, Beatrice Boyd, Joseph K. Boyd, Froni Boyd, Frances Boyd, Allene Boyd, Nora B. Hilley, William F. Walker, John Owens, William J. Adams, Cynthia Adams Hill, Ermine Hill, Mark Hill, Annie Hill, Ada Hill, Robert Hill, William H. Blakeley, Ada R. Blakeley, Walter R. Blakeley, Thomas I. Blakeley, Francis J. Blakeley, Della Blakeley, Ida M. Blakeley, Hiram Blakeley (2), Ira J. Blakeley, Edgar Blakeley, Ida Calame, Della Calame, Bessie Calame, Nora Calame, Mollie Blacklidge, Aleck Blacklidge, Ellen Blacklidge, Lee Blacklidge, Leonard Blacklidge, Lula Haskins, Rebecca Haskins, Minnie Haskins, Thomas Haskins, Lee Haskins, Vivian Haskins, Nellie Haskins, John Jordan, Elmer Jordan, Austin Jordan, Robert Jordan, Joseph B. Jordan, Effie M. Jordan, James Monroe Jordan, Frances O. Vollentine, Alice A. Vollentine, Edgar O. Vollentine, Mattie L. Vollentine, Ernest E. Vollentine, John T. Vollentine, Callie V. Bryant, Bertha Lee Bryant, Mamie A. Bryant, Harvey Leland Bryant, William S. Blakeley, Marshal Blakeley, Homer Blakeley, Sallie Blakeley, James E. Blakeley, Minnie Lee Blakeley, William Edward Blakeley, Jesse Ray Blakeley, Ralph Tyler, Walter S. Blakeley, Ida L. Blakeley, Robert L. Blakeley, Albert H. Blakeley, Edgar D. Blakeley, Lucy Emma Blakeley, Claud C. Blakeley, Ernest V. Blakeley, Mary M. Bird, Mollie H. Bird, Gracie H. Bird, Alfred M. Bird, Carl W. Bird, Cora Langston, Elmer N. Langston, Annie C. Lawhon, Ferrel Young Lawhon, Frank George Lawhon, Laura E. Bird, Cleary C. Bird, Roy Floyd Bird, William Ray Bird, Oscar Thomas Boyd, Lola Thelma Boyd, Albert Pickens Boyd, John Blakeley, Sidney Blakeley, Lizzie Blakeley, Flora Blakeley, Albany Kennedy, Phoebe Alice Kennedy, Mary Frances Knowles, Ludie William Knowles, Julia Albany Knowles, Claudie Martin Knowles, Sarah A. Harris, William Harrison Harris, Robert R. Harris, Wedona Harris, Julia Ann Harris, Thomas L. Kennedy, Robert E. Kennedy, Ada M. Kennedy, James Overstreet, Ellen Nora Overstreet, Etta May Overstreet, Viola Overstreet, Birdie Lilly Overstreet, Thomas J. Overstreet, Minnie Overstreet, Clare Overstreet, Mattie Overstreet, Hattie Overstreet, Wilmoth Overstreet, Coleman Overstreet, William H. Overstreet, Belle Rape, Jaunita Rape, Leslie Irving Rape, Cornelius L. Overstreet, Riley Overstreet, Rebecca Overstreet, Olivia Estella Overstreet, James Ernest Overstreet, Cora Overstreet, John A. Overstreet, John F. Overstreet, Myrtie Overstreet, Mary C. Overstreet, Emma May Overstreet, John W. Overstreet, Julius Overstreet, Emma Simpson, Roy F. Simpson, Okla Simpson and Homa Simpson, as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the applications for their identification as such should be refused, and it is so ordered.

"It is the further opinion of this Commission that under the provision of law above quoted, no person is entitled to identification as a Mississippi Choctaw by marriage, and that the applications made by James Overstreet for the identification of his wife, Martha Jane Overstreet; by Thomas J. Overstreet for the identification of his wife, Penelope R. Overstreet; by Belle Rape for the identification of her husband, William J. Rape; by Riley Overstreet for the identification of his wife, Ida Nora Overstreet; by Rebecca Overstreet for the identification of herself; by John A. Overstreet for the identification of his wife, Nora A. Overstreet; and by John F. Overstreet for the identification of his wife, Addie Overstreet, as intermarried Mississippi Choctaws, should, therefore be refused, and it is so ordered."

You are further advised that you will be allowed fifteen days from the date hereof within which to file arguments in this office, and that at the expiration of said time the papers in the case together with such arguments will be forwarded to the Secretary of the Interior, through the Commissioner of Indian Affairs.

Respectfully,

Samuel A. [Signature]

Acting Chairman.

Registered.

M.C.R. 5878.

COPY.

Muskegee, Indian Territory, July 13, 1903.

Robert B. Kennedy,

Hewton, Mississippi.

Dear Sir:

You are hereby notified that on the 20th day of May, 1903, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Temple McAllister, et al., of which decision you were advised by registered mail on the 23rd day of January, 1903.

Respectfully,

(SIGNED)

T. B. Needles.

~~Commissioner in Charge.~~

MCR 5878

Muskogee, Indian Territory, December 6, 1906.

Robert E. Kennedy,
Newton, Mississippi.

Dear Sir :--

You are hereby notified that the Secretary of the Interior on November 24, 1906, denied a motion filed in this office June 26, 1906, by T. D. Taylor, Attorney at Law, South McAlester, Indian Territory, for rehearing in the consolidated Mississippi Choctaw case of Temple McAllister, et al.

Respectfully,

Acting Commissioner.

For Identification as a Mississippi Choctaw.

Date JUN 25 1901

Name Robert E. Kennedy

Age 30 Blood 1/6

Post-Office, Newton, Miss

Father: J M Kennedy L

Mother: Albany L

Claims through mother.

wife Sallie L. Kennedy L
no claim for wife.

For self and ...

Children:

Ada M. Kennedy 8

Stenographer Clara M. Wood

Choctaw MCR 5879

Luther F. Nick

See MCR 5993

MCR 5879

Department of the Interior.
Commission to the Five Civilized Tribes.
Muskogee, Indian Territory, June 25, 1902.

In the matter of the application of Luther F. Vick for the identification of himself and his three minor children Tyra L., Gracie D., and A. Crisp Vick, as Mississippi Choctaws.

Luther F. Vick being first duly sworn testified as follows:

Examination by the Commission:

- Q What's your name? A Luther F. Vick.
Q How old are you Mr. Vick? A Fifty-two.
Q How much Choctaw blood have you? A I don't know; I suppose about one-eighth.
Q What is your post office address? A Lynch, Texas.
Q What county. A Hopkins County.
Q How long have you lived in the state of Texas? A I went to Texas when I was seven years old but I was out of the state ten years since that time.
Q Where? A In Arkansas.
Q Where were you born? A Kentucky.
Q You lived there until you were seven years of age? A I was six years of age; I was born in fifty; went to Texas in fifty-six.
Q Is your father living? A No sir.
Q What is his name? A William Vick.
Q Is your mother living? A No sir.
Q What was her name? A Sarah Vick.
Q Through which one of your parents do you derive your Choctaw blood? A Father.
Q Was he ever recognized in any manner or enrolled as a member of the Choctaw tribe of Indians in Indian territory?
A I don't know.
Q How old would your father be if living now? A About eighty years old.
Q Where was your father born? A Kentucky.
Q Lived there all his life? A No sir; he lived there until he was grown up and went to Illinois and died in Missouri on the way to Texas.
Q He never lived in Mississippi? A I don't think he did; I don't know.
Q Through which one of his parents did he get his Choctaw blood? A His father I think.
Q What was this father's name? A Stephen.
Q Stephen Vick? A Yes sir.
Q Do you know where he was born? A I do not.
Q Where did he live during his life time do you know? A I have been taught -- I suppose that he was born in Mississippi; that he went from Mississippi to Kentucky.
Q Do you know what year? A No sir.
Q It was before the birth of your father? A Yes sir.
Q Were your father and mother legally married? A Yes sir I suppose they were; I never heard anything to the contrary.
Q Do you know how long they lived together as husband and wife?
A I don't know, I was small when they died.

Luther F. Vick--2.

- Q Did they live together until one or the other of them died?
A Yes; mother died first I remember.
Q How many children were born to them? A Five.
Q Five? A There was six.
Q What was your father's mother's name?
A I don't remember.
Q Do you know anything about the marriage of your father's mother and father? A No sir.
Q Do you know how many children was born to them? A My grand grandfather and mother?
Q Yes.
A I have heard there was ten; I don't know positive.
Q Are you married? A Yes sir.
Q Wife living? A Yes sir.
Q What's her name? A Susanna E.
Q Have you any minor children living? A Yes sir.
Q How many? A I have three.
Q What are their names and ages, the oldest first? A About fifteen.
Q What's the name of the oldest? A Tyra L.
Q Boy or girl? A Boy.
Q The next one? A Gracie D.
Q How old is Gracie? A Five.
Q The next one? A A Crisp.
Q What does that A. stand for? A Alexander.
Q How old is he? A Thirteen months.
Q Is that all your minor children? A That's all.
Q They are all living with you at this time are they?
A Yes sir.
Q Are they all three children of yourself and Susanna E. Vick? A Yes sir.
Q Has she any Chetaw blood? A I don't know that she has;
Q She never made any application? A No sir.
Q You make no claim for her? A Not at this time.
Q This application then is for yourself and three minor children? A Yes sir.
Q How many children have you who are of age and are married.
A I have four.
Q What are their names and ages? If they are daughters and married give us their married names. A The oldest is Akins; Akins Vick.
Q Akins Vick? A Vera Akins; she married Akins.
Q The next one? A Lula Akins; she married Akins too.
Q The next one? A Maudie Bay.
Q The next one? A Newton Vick. Newton is older than Maudie.
Q That is all of your children? A Yes sir.
Q Have you any children dead? A No sir.
Q Have any of your children who are of age ever appeared before the Commission? A No sir; I know they haven't.
Q Were you married to Susanna E. Vick under a license? A Yes sir.
Q Where? A Hopkins County, Texas.
Q Seventy-nine; February 20th.
Q Who married you? A Johnson; Reverend Johnson.
Q Have you your marriage license with you? A No sir; I have not.

It will be necessary that you furnish the Commission with proper evidence of your marriage to Susanna E. Vick for use in the consideration of the application in behalf

Luther F. Vick 2

of your three minor children.

Q Have you been married more than once? A Yes; married twice.

Q What's the name of your first wife? A Her name was Jones, when I married her.

Q Her given name? A Sophronia.

Q Are your four children who are of age children of yourself and Sophronia Jones? A No sir; three of them are and one is the child of the last wife - Maudie.

Q Were you married to Sophronia under a license? A They had a certificate then in the state of Arkansas - Fort Smith.

Q When? A In 1870; May 9th.

Q Who married you? A I don't know sir; I don't remember; a Justice of the Peace.

Q Have you your certificate? A Yes sir, I have it at home; I haven't it with me.

In case any of your children of your first wife should make application for identification as Mississippi Choctaws it will be necessary to furnish evidence of your marriage to her.

Q Did you live with your first wife until the time of her death? A Yes.

Q This application is in behalf of yourself and three minor children? A Yes sir.

Q Is your name or the name of any of these children to be found upon any of the Choctaw tribal rolls in Indian Territory? A I do not know; I never had them put on any of the rolls.

Q Has any application of any description ever been made to the Choctaw tribal authorities in Indian Territory in your behalf or in behalf of any of these children for the purpose of establishing your rights as Choctaw Indians?

A No sir.

Q Never have attempted to be enrolled or admitted to citizenship? A No sir; never have.

Q Never made any application of any description before to-day for yourself and these children? A No sir.

Q And have no knowledge of anyone else making application for you? A No sir.

Q You appear before the Commission at this time for the purpose of claiming rights in the Choctaw lands Indian Territory for yourself and three minor children under article fourteen of the treaty of Dancing Rabbit Creek?

A Yes sir.

This treaty of Dancing Rabbit Creek was entered into in the State of Mississippi on the 27th day of September 1830 between the government of the United States and the Choctaw tribe of Indians; at the time the treaty was made the Choctaws lived in Mississippi and along the western edge of the state of Alabama; the object of the treaty was to get these Indians who lived there to move from the country occupied by them in Mississippi and Alabama to a new country west of the Mississippi river, part of what is now occupied by the greater portion of the Choctaw tribe of Indians and the Chickasaws and is known as the Choctaw-Chickasaw Country Indian Territory. At the time

Luther F Vick--3.

the treaty was made some of the Indians were unwilling to leave the old nation and for the benefit of those who preferred to stay there, what is known as the fourteenth article was put into the treaty; that fourteenth article provided that upon certain conditions the Choctaws who preferred to stay in the old Nation and not move out west, might receive land there in Mississippi from the government. It is as follows:

"Each Choctaw head of a family being desirous to remain and become a citizen of the states shall be permitted to do so by signifying his intention to the agent within six months from the ratification of this treaty and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land to be bounded by sectional lines of survey; in like manner shall be entitled one half that quantity for each unmarried child which is living with him over ten years of age and a quarter section to such child as may be under ten years of age to adjoin the location of the parent. If they reside upon said lands intending to become citizens of the states for five years after the ratification of this treaty in that case a grant in fee simple shall issue. Said reservation shall include the present improvement of the head of the family or a portion of it. persons who claim under this article shall not lose the privilege of a Choctaw citizen but if they ever remove are not to be entitled to any portion of the Choctaw annuity."

- Q Do you understand that fourteenth article? A Yes sir; I think I do.
- Q Did any of your ancestors ever comply or attempt to comply with the provisions of that article or ever receive any benefits under it? A I do not know.
- Q Did any of them own an improvement in what constituted the old Choctaw nation in Mississippi or Alabama in the year 1830 when the treaty of Dancing Rabbit Creek was made? A Well I think they did; I will say yes sir; I have some records showing that they did; the Vicks did.
- Q What one of your Choctaw ancestors lived in the old Choctaw nation in Mississippi and Alabama in 1830? A I will just show you what I have and you can see if it's any benefit; I sent to Jackson Mississippi - a friend of mine did and got it from the history of the state.
- Q You submit here, a part of a letter written upon the letter head of Robert Lowery, Attorney at Law, Jackson, Mississippi, dated June 4, 1902, addressed to R. E. Simmons, Miller Grove, Texas, reading as follows:

"Replying to your letter of the 2nd inst. I beg to say that the Vick family owned the land upon which the city of Vicksburg is situated, more than eighty years ago. Rev. Hewett Vick intended to have the land surveyed and laid off in town lots, but died in 1819, but left directions for carrying out his wishes. His executor Col. M. B. Vick did not believe that such survey and sale of lots would promote the interests of the estate, but that it would be more profitable to cultivate the land in cotton. The failure to carry out the plans of Rev. Mr Vick created a litigation which resulted in the appointment of Rev. John Land, son-in-law of the deceased, administrator,

with the will annexed, who proposed to carry out the wishes of the decedent. The above I got from the history of Mississippi and Lowry & McCordle."

- Q What relation are you to the Reverend Newett Vick? referred to in this letter? A Now I got to have my way of giving you the state of that fact.
- Q Tell us about it. A My father, who died when I was small - you remember I told you-- but Uncle Henry Vick taught me that this Colonel Vick, son of Newett Vick was our great grandfather.
- Q You know nothing as to whether any of your Choctaw ancestors ever complied or attempted to comply with the provisions of article fourteen of the treaty of Dancing Rabbit Creek?
- A I do not.
- Q Then you don't know how this Vick came in possession of this land; whether they got it under the fourteenth article of the treaty or how they got it? A No; but they had possession of it in some manner eleven years before that time; this was in 1818 they had possession of it.
- Q You don't know whether any of your ancestors did in fact own an improvement in what was the old Choctaw nation in 1830 do you? A Not at that date; no sir, I do not.
- Q Do you know whether any of them within six months after the treaty of Dancing Rabbit Creek was ratified let the agent for the government in Mississippi for the Choctaws know they wanted to stay in Mississippi, become citizens of the states and take land? A No sir.

In accordance with the provisions of this fourteenth article of the treaty of Dancing Rabbit Creek the government of the United States directed an agent in the state of Mississippi to register the names of such Choctaws as might desire to remain and become citizens of the states and take land; the records of the government show that this agent failed to register and report to the government the names of many Choctaws who did in fact let him know they wanted to stay in Mississippi take land and become citizens of the states and on this account the government at its public land sales in Mississippi in many instances sold land upon which the Choctaws lived and had improvements and which they supposed they would receive under the fourteenth article; this caused a great deal of complaint and the matter was finally brought to the attention of Congress and Congress under certain acts between the years 1837 and 1842 provided for the appointment of Commissions to go down to Mississippi and hear the cases of Choctaws who claimed they that they had complied in all respects with the provisions of the fourteenth article of the treaty of Dancing Rabbit Creek but that their land had been sold by the government; these commissioners were duly appointed by the president of the United States and they went to Mississippi and heard a great many Choctaw cases.

- Q Did any of your ancestors appear before any of these commissioners and attempt to establish their rights under the provisions of the fourteenth article of the treaty of Dancing Rabbit Creek? A I don't know.

An act of Congress approved August 23 1842 provided that in case it should be finally decided that a Choctaw had complied in all respects with the provisions of the fourteenth article of the treaty of Dancing Rabbit Creek but that their land had been sold by the government he should be entitled to select land in Mississippi Alabama Louisiana or Arkansas from vacant government land and that he should be given a certificate to that effect. These certificates were called scrip.

- Q Did any of your ancestors ever get any of this scrip from the government of the United States under this act of Congress? A I don't know sir.
- Q So far as you know none of your ancestors ever received any benefits from the government of the United States under the fourteenth article of the treaty of Dancing Rabbit Creek.
- A I have no knowledge of it if they did.
- Q Do you know whether any of your Choctaw ancestors who might have been living in the old Choctaw Nation were recognized members of the Choctaw tribe at that time?
- A I don't know that they were. But there's a friend of mine has told me that they were. That's all the knowledge I have of that.
- Q Which one of your Choctaw ancestors was at the time this treaty was made according to your information a recognized member of the tribe and head of a family? A I don't think he stated but if you will permit me I will tell you about what he stated to me; this man Mr. Simmons the name here in the letter - he used to live there; raised there and he said that he was acquainted well with the Vicks and knew that they were part Choctaw; them and the Leflore Choctaws is where we derive our blood - from the Leflore family; that's what he said; I suppose he would make deposition to that if it was necessary; that's all the knowledge I have on that point.
- Q Do you know of any old persons living who would likely know whether any of your ancestors ever complied with the provisions of this fourteenth article of the treaty or ever received any benefits thereunder? A No sir; I don't know only Jacob Vick of Kentucky; if he's alive he knows but I don't think he's alive; I don't know. If he's alive more than likely he would know.
- Q Do you know of anyone else? A No sir.
- Q Do you know of any written evidence of any description which would prove or tend to prove such a state of facts?
- A No sir; the old family records I haven't seen for some time; they might have some.
- Q Have you any written evidence of any kind to offer at this time in support of your application? A Nothing more than what I have offered.
- Q What have you offered? A I have no written evidence; no sir. None at this time.
- Q Have you any witnesses here today to testify in your behalf? A No sir I have no witnesses. I have a witness here and if you will permit me to I want to ask a question. I brought no witnesses with me but when I came up we found an old Indian of some kind and he professes to know a good deal of my ancestry and blood and the treaty of 1846 and a good many things and said if he could be of any service to me he would make a statement before

this court but some people questions his integrity but if he's not a good witness I don't want anything to do with him; I don't want a claim in this Territory unless it's due me and if his integrity is questioned I don't want him before the court but if he's good and honest -- he's Benjamin Summit and you can decide whether he will be of any benefit or not; the reason I make this statement I have been told by a lawyer here he would just do anything or say anything a man wanted him to.

Q Of course the question of whether you want to introduce this man Summit in support of your application is one for you to decide. You have had or will have an opportunity to investigate his reputation for truth and veracity and if you still want to put him on the stand and have him examined as to your ancestry of course the Commission will hear his testimony.

A After I first talked to him I seen he would be of benefit to me in making this application if he knew what he said he did but after his integrity and honesty had been questioned and this same lawyer said this court knew his testimony wasn't good -- that's just the way of it, and if you will take his evidence and it is good --- and if not he will never come before this court with my consent.

The question of your introducing this witness Benjamin Summit in support of this application is one which as I have before stated to you must be determined by you after having given the matter proper consideration and investigation as to his reputation for truth and veracity.

Q Are there any other statements you want to make in support of this application? A No; there's nothing nor any witnesses at the present time unless I do put this man Summit on.

Q If you desire to put him on you can bring him up today or any time within the next ten days.

A Can I do it this evening?

Q Yes.

A I will consider it a while before I do it.

If you should find any witnesses whose testimony you desire to have taken before the Commission they may appear before us here in Muskogee within a period of ten days from to-day and their testimony will be taken or if you should find any written evidence of any kind which you desire to offer, any such evidence which may be received within ten days from today will receive the consideration of the Commission.

A After that time will it be considered by this court?

Q Well we can't promise you definitely how it would be but you can send it in and the Commission will then determine whether it can be received. Get all the evidence you want to submit within ten days if possible to do so.

Q Have you any brothers living? A No sir.

Q Any sisters living? A One.

Q What's her name? A Mary Parker.

Q Has she been before this Commission? A No sir.

Q Did you ever have any brothers? A Yes sir; had one.

Q Did he leave children? A Yes sir; he left three children.

Luther F. Vick--7.

- Q Are they living? A Yes sir.
- Q What are their names? A The oldest one is a girl. I don't know--- Fannie -- I don't know the rest --- let's see --- her name-- I can't get it just now but her maiden name was Garrett; her mother's name was Garrett; she's married lately; I can't just get the name.
- Q The next one? A Aleck Garrett.
- Q The next one? A Amy Garrett.
- Q Unmarried? A Not married.
- Q Are they the children of your deceased sister? A My deceased brother; pardon me it's Vick; I guess I had Garrett on my mind; he married a Garrett.
- Q I have a sister, Mrs. Parker.
- Q Has she married again since she married Parker? A Yes sir. Reynolds.
- Q How have you any sisters dead who left children? A Yes sir I have two.
- Q Who left children? A Yes sir.
- Q What's the name of the oldest ~~one~~ one who is dead and left children? A The oldest one is -- her name is Lydia; she was formerly married to B. T. Manning.
- Q Was she married a second time? A Yes sir.
- Q What was her second husband's name? A Lily.
- Q How many of her children are living? A There's four.
- Q What are their names? A ~~Lilly~~ is by Manning and the Lilly's are George, Stephen and Robert.
- Q Have any of these children been before the Commission?
- A W.W. Manning has; he's present here now; has made application I suppose.
- Q Have any of the children of your deceased brother been before the Commission? A No sir.
- Q Now what's the name of your other sister who left children?
- A Farris - Maggie Farris.
- Q How many of her children are living now? A Two. Nade Farris is the oldest; Bertha is a girl; she's married - Bertha Taylor it is.
- Q Has she been before the Commission? A No sir not that I know of.
- Q Are any of your father's brothers and sisters living?
- A Not that I know anything of.
- Q Did any of them leave children? A Yes sir; there's a great posterity of them I don't know how many.
- Q Do you know whether any of those children of your father's brothers and sisters have ever been before this Commission?
- A Hudson, L. P. Hudson a lawyer wrote to me that that there was a great number of Vicks that have made application for enrollment but didn't state who nor what were their initials so I don't know whether any of my father's brothers children have ever made application or not but I suppose by that, probably they have.

See M.C.R.5537.

This applicant has the appearance of being a white man; has no particular indication of being possessed of Indian blood; has dark complexion; dark hair; gray eyes; does not speak or understand the Choctaw language and has no knowledge of compliance on part of any of his ancestors with the provisions of the fourteenth article of the treaty of 1830.

Luther F. Vick--S.

Gara Mitchell Wood being first duly sworn upon her oath states that as stenographer for the Commission to the Five Civilized Tribes she reported in full all proceedings had in the above entitled cause on the 28th day of June 1902 and that the above and foregoing is a full true and correct transcript of her stenographic notes of said proceedings on said date.

Gara Mitchell Wood

Subscribed and sworn to before me this 28th day of June 1902.

Clarence William Martin
Notary Public.

Department of the Interior.
Commission to the Five Civilized Tribes.
Muskogee, I. T., July 7, 1902.

M C - 3879 -

In the matter of the application of Luther F. Vick, et al., for identification as Mississippi Choctaws.

Additional Testimony.

Luther F. Vick, being duly sworn, testified as follows, in addition to the testimony heretofore given by him June 25, 1902:

Examination by the Commission.

- Q. What is your name? A. Luther F. Vick.
Q. How old are you? A. I am fifty-two.
Q. What is your post office address? A. Lynch, Texas.
Q. Are you the Luther F. Vick who appeared before the Commission on the 25th day of last month and made application for the identification of yourself and others as Mississippi Choctaws?
A. I am.
Q. I have here a certified copy of the certificate of marriage issued on the 8th day of March, 1870 by Edward J. Brooks, J. P., in Sebastian county, Arkansas, in which he certified that he joined in marriage Louis F. Vick of Hunt County, Texas, and Sophrina Jones of Franklin County, Arkansas. Who is the Louis F. Vick referred to in this marriage certificate?
A. Myself.
Q. You have testified that your name is Luther F. Vick; will you explain this discrepancy? A. It was this way: When I went for the marriage license I was a mere boy, and I had never known what the L was for, whether it was Louis or Luther. I told the clerk I did not know whether it was for Luther or Louis, and he must have chosen the name Louis by its being Louis in the license. When I went home after that I learned that my name was Luther and ever since I have been known as Luther. I told Mr. Edwards at the time that I did not know whether the L was for Luther or Louis, and he chose the name Louis I suppose.
Q. You mean Mr. Brooks? A. Yes, sir. That is the only way I can explain how the name got to be Louis in the license. I never knew it was that way until I saw the certificate.
Q. The Sophrina Jones referred to in this license is your first wife, Sophronia, is it? A. Yes, sir, that is correct.
Q. I also have here a certified copy of the marriage license of L. F. Vick and Susanna Stringfellow; are you the L. F. Vick referred to in this license, and is the Susanna Stringfellow your present wife? A. Yes, sir.

Q Is there anything further you want to state this time? A. No, I think not. If this proof or explanation is sufficient to explain the reason that name is Louis instead of Luther. I was just a boy and was raised by relatives, and when I went to get the license I told the clerk I did not know which the stood for, and he must have chose the name Louis. I am willing to get other proof of this fact. I can get plenty of it.

The Commission thinks this will be ample proof, and that you have explained the matter fully.

S. A. Apple, being duly sworn, states on his oath that as stenographer to the Commission he reported the foregoing proceedings on July 7, 1902; and that the foregoing is a true and correct transcript of his stenographic notes in case, to the best of his knowledge and ability.

S. A. Apple

Subscribed and sworn to before me this 14 th day of July, 1902.

Guy L. V. Emerson
Notary Public.

Miss Choctaw R5879

Muskogee, Indian Territory, July 10, 1902.

L. F. Vick,

Lynch, Texas,

Dear Sir:

Receipt is hereby acknowledged of your letter of July 3, inclosing certified copy of the marriage certificate between Louis F. Vick and Sophrina Jones; also certified copy of the marriage license and certificate between L. F. Vick and Susanna Stringfellow, which you offer in support of your application for the identification of yourself and your minor children as Mississippi Choctaws, and the same have been filed with the record in your case. You are requested to advise the Commission, however, why your name appears in the marriage certificate between yourself and Sophrina Jones as Louis F. Vick, and in your testimony at the time of your application as Luther F. Vick.

Yours truly,

Acting Chairman.

Miss. Chas. 5879

Muskogee, Indian Territory, July 17, 1902.

Luther F. Vick,
Lynch, Texas,

Dear Sir:

Receipt is hereby acknowledged of your letter of the 18th instant, explaining the discrepancy in your name as appearing in the marriage certificate between yourself and Sophrina Jones and as given by you at the time of your application for the identification of yourself and your minor children as Mississippi Cheetaws. A copy of your letter has been filed with and made a part of the record in your case.

Yours truly,

Acting Chairman.

K C R 5879

Washoe, Indian Territory, July 25, 1902.

Leather F. Vick,

Lynch, Texas.

Dear Sir:

Receipt is hereby acknowledged of your letter of the 22nd instant, enclosing certified copy of marriage record between William J. Vick and Sarah T. Parker which you offer for filing in support of the application made by you for the identification of yourself and minor children as Mississippi Choctaws. The same has been filed with the record in this case.

Yours truly,

Commissioner in Charge.

M C R 5878.

Muskogee, Indian Territory, August 6, 1902.

Luther F. Vick,

Lynch, Texas.

Dear Sir:

Receipt is hereby acknowledged of your letter without date, enclosing affidavit of W.S. Parker and written statement of Turner Vick, which you offer for filing in support of your application for the identification of yourself and minor children as Mississippi Choctaws.

You state that you are unable to find the marriage record between Stephen and Susan Vick. If you are unable to supply the original marriage license and certificate, or certified copies of same, the Commission will accept for consideration the affidavits of two disinterested parties, witnesses to their marriage.

The documents you enclose have been filed with the record in your case.

Yours truly,

Acting Chairman.

M C R 5879.

Muskogee, Indian Territory, August 11, 1902.

Luther F. Vick,

Lynch, Texas.

Dear Sir:

Receipt is hereby acknowledged of your letter of the 6th inst., from Davis, Indian Territory, enclosing affidavit of Benjamin Summitt, which you offer for filing in support of the application made by you for the identification of yourself and minor children as Mississippi Choctaws.

The same has been filed with the record in your case.

Yours truly,

Acting Chairman.

M.C.R. 5879.

Muskogee, Indian Territory, August 25, 1908.

L.F. Vick,

Lynch, Texas.

Dear Sir:

Receipt is hereby acknowledged of certified copy of marriage record between Edward G. Vick and Elisebeth S. Young, offered for filing in the consolidated Mississippi Shootay case of Luther F. Vick, et al., M.C.R. 5879.

The same has been filed with the record in this case.

Yours truly,

Acting Chairman.

M C R 6007
M C R 5879

Muskogee, Indian Territory, September 13, 1902.

Luther F. Viock,
Lynch, Texas.

Dear Sir:

Receipt is hereby acknowledged of your letter of the 10th instant, with which were enclosed two affidavits of Mrs. R. C. Dillingham to be filed in support of the application made by you for the identification of yourself and minor children as Mississippi Choctaws, and two affidavits of the same party to be filed in support of the application of Turner Viock for the identification of himself and his minor children as Mississippi Choctaws. The documents have been filed with the records in these cases.

Yours truly,

Acting Chairman.

Miss. Choctaw 5537

Miss. Choctaw 5879

Muskogee, Indian Territory, September 17, 1902.

William W. Manning,

Violet, Oklahoma,

Dear Sir:

Receipt is hereby acknowledged of your letter of September 12, in which you ask to be advised the status of the applications for identification as Mississippi Choctaws of William W. Manning, et al., Luther F. Vick, et al. You ask, if no decision has been rendered in your cases, that you be informed about when you may expect a decision, as you say you have been informed that all Indians must select the numbers of their land prior to the twenty fifth.

In reply to your letter you are advised that no decision nor opinion has yet been rendered in the consolidated case of Mary S. Reynolds, et al., of which your application and the application of Luther F. Vick have been made a part, and it is impossible at this time to say when the same will be reached for consideration and determination. As soon as a decision is rendered you and the other applicants will be notified of the action of the Commission. The status of yourself and the other persons included in this case is that of applicants for identification as Mississippi Choctaws whose rights as such Mississippi Choctaws have not yet been determined by the Commission.

W.W.M. 2

It is not believed that applicants for identification as Mississippi Choctaws, until they have been duly identified by the Commission to the Five Civilized Tribes as Choctaws entitled to rights in the Choctaw lands under article fourteen of the treaty of 1830, are entitled in any manner to possessory rights of the tribal property of the Choctaw and Chickasaw Nations.

Yours truly,

Acting Chairman.

Miss. Choctaw 5879

Muskogee, Indian Territory, November 15, 1902.

Horace W. Phillips,
Ambrey, Texas,

Dear Sir:

Receipt is hereby acknowledged of your letter of November 13, stating that you wrote to the Secretary of the Interior for information relative to identification as an intermarried Mississippi Choctaw Indian and the Secretary of the Interior informed you that your letter had been referred to this Commission, but that you did not state in your letter the number of the case, which is 5879, Vick Parker case.

In reply to your letter you are advised that it appears from our records that Mississippi Choctaw case R 5879, Luther F. Vick, as well as that of your wife, Julia A. Phillips, nee Parker, has been consolidated with the case of Mary S. Reynolds. No decision nor opinion has been rendered by the Commission relative to the rights of the parties included in this application, to identification as such Mississippi Choctaws. As soon as a decision is reached the applicants will be notified of the action of the Commission.

You are further advised that on November 11, 1902, your letter of October 23, 1902, addressed to the Secretary of the Inter-

H.W.P. 2

ior, inquiring the status of the application of your wife, Julia I. Phillips, was answered from this office.

You are further advised, in reply to that part of your letter referring to identification as an intermarried Mississippi Choctaw, that there is no provision of law known to this Commission whereby white persons who have married claimants as descendants of Mississippi Choctaws acquire any rights as such Mississippi Choctaws by virtue of such marriage.

Respectfully,

Acting Chairman.

M.C.R. 5879.

Muskogee, Indian Territory, December 30, 1902.

Luther F. Vick,

Hugo, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of your letter of the 19th instant, in which you ask to be advised of the present status of your case.

In reply to your letter you are informed it appears from the records of the Commission that you are an applicant for the identification of yourself and minor children as Mississippi Choctaws.

The Commission has not, up to the present time, rendered any opinion or decision relative to the right of yourself and children to such identification, but it is now considering your application and it is probable a decision will be rendered in the near future, when you will be duly notified of the action of the Commission and of the forwarding of the record to the Secretary of the Interior.

Respectfully,

Acting Chairman.

COPY.

M.C.R. 5879.

Muskogee, Indian Territory, February 18, 1903.

Luther F. Vick,

Hugo, Indian Territory.

Dear Sir:

You are hereby advised that on the 18th day of February, 1903, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Mary S. Reynolds, et al., embracing the following applications for identification as Mississippi Choctaws:

| | |
|-----------------------------|--------------|
| Mary S. Reynolds, | M.C.R. 5923 |
| Annie V. Wilson, et al., | M.C.R. 5995 |
| Julia I. Phillips, et al., | M.C.R. 5994 |
| Alvin G. Parker, et al., | M.C.R. 5880 |
| George L. Parker, | M.C.R. 6013 |
| Isaac G. Parris, et al., | M.C.R. 5997 |
| Bertha M. Taylor, et al., | M.C.R. 5996 |
| William W. Manning, et al., | M.C.R. 5537 |
| George R. Lilley, | M.C.R. 6019 |
| Stephen S. Lilley, et al., | M.C.R. 6020 |
| Robert F. Lilley, | M.C.R. 6018 |
| Lawrence A. Vick, et al., | M.C.R. 6016 |
| Luther F. Vick, et al., | M.C.R. 5879 |
| Nora Akins, et al., | M.C.R. 6017 |
| Lula Akins, et al., | M.C.R. 6003 |
| Newton Vick, | M.C.R. 6005 |
| Maudie Pays, | M.C.R. 6004 |
| Turner Vick, et al., | M.C.R. 6007 |
| Lutitia Irons, et al., | M.C.R. 6009 |
| Willie Proctor, et al., | M.C.R. 6010 |
| Clarissa Vick, | M.C.R. 6012 |
| Cora Petty, et al., | M.C.R. 6011 |
| James H. Manning, et al., | M.C.R. 6015 |
| Susan Kehlley, | M.C.R. 6008 |
| Judge D. Vick, et al., | M.C.R. 6006 |
| Dora E. Proctor, | M.C.R. 6291 |
| George Henry Vick, et al., | M.C.R. 6290 |
| Margaret L. Morris, et al., | M.C.R. 6288 |
| Florence B. Tillery, | M.C.R. 6289. |

These applications were made under the provision of the Act of Congress of June 28, 1898 (30 Stats., 495), which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eight hundred and thirty, and to that end may administer oaths, examine witnesses, and perform all other acts necessary thereto, and make report to the Secretary of the Interior."

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Mary S. Reynolds, Annie V. Wilson, Cyrus H. Wilson, Nellie P. Wilson, James E. Wilson, Julia I. Phillips, Dora M. McKerley, Bertha P. McKerley, Samuel B. McKerley, Mary I. McKerley, Walter C. Phillips, Everett H. Phillips, Alvin G. Parker, Alvin C. Parker, Hubert L. Parker, Elbert H. Parker, George L. Parker, Isaac G. Farris, Dumas C. Farris, Bertha M. Taylor, Durand A. Taylor, Durer O. Taylor, William W. Manning, Sydney S. Manning, Ranny B. Manning, Vanny B. Manning, Nora Lee Manning, George C. Manning, Thomas V. Manning, George R. Lilley, Stephen S. Lilley, Cordena May Lilley, Emma L. Lilley, Robert F. Lilley, Lawrence A. Vick, Mamie Vick, Luther F. Vick, Tyra L. Vick, Gracie D. Vick, Alexander Crisp Vick, Nora Akins, Tullie May Akins, Thomas L. Akins, Virgie Akins, Susie Akins, Lula Akins, Jewel Bertha Akins, Frankie Lee Akins, Maudie May Akins, Newton Vick, Maudie Bays, Turner Vick, Jessie A. Vick, Josh Vick, Gertrude Vick, Lutitia Irons, Ethel Irons, Willie Proctor, Alvin Proctor, Clarissa Vick, Cora Petty, Murphy Petty, James H. Manning, Col Griffin Manning, Mary Manning, Dora Manning, Samuel W. Manning, Susan Kehlley, Judge D. Vick, James T. Vick, Merritt E. Vick, John W. D. Vick, Dora E. Proctor, Bertha Lee Proctor, Mattie Chloe Proctor, Alma C. Proctor, Otha D. Proctor, George Henry Vick, Luther Vick, Margaret L. Morris, Roley Jim Morris, Stephen Monroe, Morris and Florence B. Tillery, as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the applications for their identification as such should be refused, and it is so ordered."

L. P. V. #3.

You are further advised that you will be allowed fifteen days from the date hereof within which to file arguments in this office, and that at the expiration of said time the papers in the case, together with such arguments, will be forwarded to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

(SIGNED)

Tams Bixby.

Acting Chairman.

Registered.

Muskogee, Indian Territory, February 28, 1903.

Luther F. Vick,

Hugo, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of your letters of the 23rd and 24th instant, relative to the decision of the Commission refusing the application made by you for the identification of yourself and minor children as Mississippi Choctaws. You submit the affidavit of Rev. J. McGaha stating that your great-grandmother was a full blood Choctaw Indian.

In reply to your letter you are informed that the fifteen days from February 18, 1903, heretofore granted you within which to file arguments in support of your claim to be forwarded to the Secretary of the Interior, will expire March 5, 1903. On March 6, 1903, the record in your case, together with such arguments as may be offered by you, will be forwarded to the Secretary of the Interior. You will be duly notified of such action as may be taken by him.

The above mentioned affidavit of Rev. J. McGaha will be transmitted with the record to the Secretary.

Respectfully,

Chairman.

Muskogee, Indian Territory, April 7, 1904.

Luther F. Vick,

Hugo, Indian Territory.

Dear Sir:

You are hereby notified that on the 24th day of March 1904, the Secretary of the Interior, affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Mary S. Reynolds, et al., of which decision you were advised by registered mail on the 18th day of February 1903.

Respectfully,

T. D. Necales.

Commissioner in Charge.

MOB 5879

Muskogee, Indian Territory, August 18, 1905.

Luther P. Vick,
Bequeen, Arkansas.

Dear Sir:

Receipt is hereby acknowledged of your letter of the 14th instant, asking if the consolidated Mississippi Choctaw case of Mary S. Reynolds, et al. has ever been reopened for further proof or investigation; also if there has been a commission appointed, consisting of four white men and four Indians to look after such claims. You state that one R. R. Foot claims to be the Chairman of such commission and has been busy extorting money from the claimants in the case above mentioned; that Foot tells the applicants that he has gotten their claim through and if they do not pay him a certain sum of money by September 1st they will not receive any land. In conclusion, you ask if your case can ever be reopened.

In reply you are informed that on March 24, 1904, the Secretary of the Interior approved the decision of the Commission to the Five Civilized Tribes rendered February 18, 1903, refusing to identify all the applicants included in the consolidated Mississippi Choctaw case of Mary S. Reynolds, et al., of which your application is a part. The applicants were notified on April 7,

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1904, of the action of the Department, and the records of this office do not show that any further action has been taken in the case.

We know of no such commission as the one mentioned in your letter of the 14th instant, and would state that R. R. Foot is in no manner whatever connected with this office. We have to request that you inform us at the earliest practicable date of the post office address of this man Foot, if you are able to do so, in order that his apparently improper practice may be brought to the attention of the district attorney.

As to the probability of you ever securing a reopening of your case, you are advised that rehearings in Mississippi Choctaw cases are only granted where sufficient reason appears for so doing. Mere statements contained in a letter are not sufficient to induce such action. Applicants are required to show that they, or some one of their ancestors, were citizens of the Choctaw Nation in 1830 and heads of families, and, as such, complied or attempted to comply in person or by proxy, with the provisions of article 14 of the treaty of September 27, 1830. A mere allegation that their ancestors so complied is not sufficient; the time of their application to be registered must also be shown, and the conversation or circumstances relating to it. In some cases this showing can be made directly by satisfactory evidence, either oral or documentary;

L P V 3

in others the applicants can accomplish the same results by showing that an ancestor of theirs was identical in person with one of the original beneficiaries of said article 14, whose name appears as such in the records of the government. No conclusion, however, as to identity can be reached in the absence of a full history of the applicants' ancestors, showing, as nearly as possible, their legal residence and family associations, also their Choctaw as well as their English names.

Petitions for rehearings should be addressed to the Secretary of the Interior through the Commissioner to the Five Civilized Tribes, and should be in the form of, or accompanied by, the affidavits of the party in interest, setting forth by what testimony he expects to establish his claim, and containing the names of the witnesses who are expected to furnish the required testimony. Petitioners must also show how, when, and where said witnesses acquired their knowledge of the matters whereof it is expected that they will testify.

Respectfully,

Acting Commissioner.

No. 5879

For Identification as a Mississippi Choctaw.

Date JUL 7 1902

Name

Age

Blood

Post-Office

Father

Mother

Claims through

Children:

Additional
testimony of
Luther F. Vick.
taken at
Muskogee S.T.

Stenographer

A. A. Apple

No. 5879

For Identification as a Mississippi Choctaw.

Date JUL 25 '12

Name

Age

Blood

Post-Office

Father

Mother

Claims through

wife

No claim for wife.

Children:

Tyra L. Vick m 15
Gracie D. " 5
Alexander Crisp " 13mo

For self and 3 children

Stenographer

Clara M. Wood

Choctaw MCR 5880

Alvin G. Parker

See MCR 5993

MCR 5880

N C R 2220.

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, Indian Territory, June 25, 1902.

In the matter of the application of Alvin G. Parker for the identification of himself and his three minor children, Alvin C., Hubert L. and Elbert H. Parker, as Mississippi Choctaws.

Alvin G. Parker, having been first duly sworn, upon his oath testified as follows:

Examination by the Commission.

- Q What is your name? A Alvin G. Parker.
Q How old are you? A Twenty eight.
Q How much Choctaw blood do you claim to have? A One sixteenth.
Q What is your post office address? A Aubrey, Texas.
Q What county? A Denton, County.
Q How long have you lived in the State of Texas? A All my life.
Q Is your father living? A No, sir.
Q What was your father's name? A My father's name was George W. Parker.
Q Is your mother living? A Yes, sir.
Q What is her name? A Mary Parker.
Q Through which one of your parents do you derive your Choctaw blood? A Both.
Q Both parents? A Yes, sir.
Q Has your mother been before this Commission? A No, sir.
Q Were either of your parents ever recognized in any manner or enrolled as members of the Choctaw tribe of Indians, in Indian Territory? A Not that I know of.
Q How old is your mother? A My mother is sixty two years old.
Q Was your father older or younger than she? A He was older.
Q How much older? A I don't know for certain; I don't know.
Q Through which one of his parents did your father get his Choctaw blood? A Well, I don't know about that for certain.
Q Through which one of her parents did your mother get her Choctaw blood? A Her father.
Q What was his name? A Mother's father?
Q Yes? A William Viak.
Q Is he living? A No, sir.
Q How old would he be if he were living today? A I do not know.
Q About how old? A Why, I suppose, to the best of my knowledge, he would be something like eighty, probably, more or less; I can't give any definite idea.
Q What was your mother's mother's name? A I do not know.

Alvin G. Parker, et al., 2.

- Through which one of his parents did William Vick get his Choctaw blood? A William Vick.
- Q His father or his mother? A His father.
- Q What was his name? A Stephen Vick.
- Q Do you know where Stephen was born? A No, sir, I do not.
- Q Do you know where he lived during his life time? A No, sir.
- Q Where was William Vick born? A Well, I can't say; I don't know for sure.
- Q Do you know where he lived during his life time, or most of it? A No, sir.
- Q Do you know whether he and your mother's mother were lawfully married? A No, sir, I do not.
- Q How many children did they raise? A My mother's ?
- Q Father and mother? A I don't remember.
- Q You don't know how long they lived together as husband and wife?
- A No, sir, I do not.
- Q Where was your mother born? A I think she was born in Kentucky; I am not sure.
- Q How long has she lived in Texas? A Well, she has been -- well, quite a number of years; I don't know how old she was when she came to Texas.
- Q You don't know the names of any of your father's Choctaw ancestors, do you? A No, sir. I do not.
- Q You don't know where they lived or anything about that? A No, sir; I have the records that I can get hold of. Up to this time, I have not looked over them.
- Q Are you married? A Yes, sir.
- Q Wife living? A Yes, sir.
- Q What's her name? A Lou F. Parker.
- Q Has she any Choctaw blood? A No, sir, not that I know of.
- Q No claim for her? A No, sir.
- Q Have you any children? A Yes, sir, I have three.
- Q Their names, the oldest one first, and their ages? A Alvin C.
- Q How old? A He is eight years old.
- Q Next one? A Let's see - the next one is Hubert L.
- Q How old is he? A He is three years old.
- Q Next one? A The next one is Elbert H.
- Q How old is Elbert? A He is seven months.
- Q That all? A That's all.
- Q Are these children all living with you at this time? A Yes, sir.
- Q Are they all three the children of yourself and Lou F. Parker?
- A Yes, sir.
- Q Were you married to her under a license? A Yes, sir.
- Q When? A The 14th of May '92.
- Q Where? A Aubrey, Denton County, Texas.
- Q Have you that license with you? A No, sir, I have not.
- Q Who performed the marriage ceremony? A Reverend C. Nougbe.
- Q A preacher? A Yes, sir.

It will be necessary for you to furnish the Commission with proper evidence of the marriage of yourself and your wife, in connection with the application which you make in behalf of these minor children. This evidence should be furnished within ten days from this date.

Alvin G. Parker, et al., 3.

- Q This application, then, is for yourself and three minor children; is that correct? A It is.
- Q Is your name, or the name of any one of these children, on any of the Choctaw tribal rolls in Indian Territory? A Not that I know.
- Q Has any application of any description ever been made for you or any one of these children to the Choctaw tribal authorities in Indian Territory for the purpose of being admitted to citizenship or enrolled as members of that tribe? A No, sir.
- Q Did you, or any one for you, or any one in behalf of any one of these children, in the year 1896, make application to the Commission to the Five Civilized Tribes for citizenship in the Choctaw Nation under the act of congress approved June 10, 1896?
- A No, sir.
- Q Then, neither you, nor any one of these children, have ever been admitted to citizenship in the Choctaw Nation by the tribal authorities, or the United States authorities? A No, sir.
- Q Have you ever made any application of any description before today for you, or any of these children, for the purpose of establishing your rights as Choctaw Indians? A I have not.
- Q Do you know of any such an application having been made for you?
- A No, sir.
- Q You appear before the Commission at this time for the purpose of claiming rights in the Choctaw lands in Indian Territory for yourself and these three minor children under the fourteenth article of the treaty of Dancing Rabbit Creek, do you? A I do.

The treaty of Dancing Rabbit Creek was entered into in the State of Mississippi on the 27th day of September, 1830, between the Government of the United States and the Choctaw tribe of Indians. At the time this treaty was made, the Choctaws lived in the State of Mississippi and along the western edge of the State of Alabama. The object of the treaty was to get these Indians to move from the country occupied by them in Mississippi and Alabama to a new country west of the Mississippi River, a part of which is now occupied by the greater portion of the Choctaw tribe of Indians, and is commonly known as the Choctaw Nation, Indian Territory. At the time the treaty was made, some of the Indians were unwilling to leave the old country, and for the benefit of those who preferred to stay there what is known as the fourteenth article was put in the treaty. That fourteenth article provided that upon certain conditions a Choctaw who preferred to stay there might receive land there in Mississippi from the Government. It is as follows:

"Each Choctaw head of a family being desirous to remain and become a citizen of the States shall be permitted to do so by signifying his intention to the agent within

six months from the ratification of this treaty, and he or she shall be entitled to a reservation of one section of six hundred and forty acres of land, to be bounded by sectional lines of survey; in like manner shall he be entitled to one-half that quantity for each unmarried child which is living with him over ten years of age; and a quarter section for such child as may be under ten years of age, to adjoin the location of the parent. If they reside upon said land intending to become citizens of the States for five years after the ratification of this treaty in that case a grant in fee simple shall issue; said reservation shall include the present improvement of the head of the family, or a portion of it. Persons who claim under this article shall not lose the privilege of a Choctaw citizen, but if they ever remove are not to be entitled to any portion of the Choctaw annuity."

- Q You understand that 14th article, do you? A I think I do.
- Q Did any of your ancestors ever comply or attempt to comply with its provisions, or ever receive any benefits under that article?
- A Not that I know of.
- Q Did any of them own an improvement in the old Choctaw Nation in Mississippi and Alabama, in the year 1830, when this treaty was made, to your knowledge? A Not to my knowledge.
- Q Did any of them live there at that time, to your knowledge?
- A No, sir, not to my knowledge.
- Q Did any of them remove to the present Choctaw Nation, in Indian Territory, at the time of the removal of the greater portion of the Choctaw tribe of Indians, between the years 1833 and 1838?
- A Not that I know of.
- Q Did any of them, within six months after the treaty of Dancing Rabbit Creek was made, let the agent of the Government in Mississippi for the Choctaws know that they wanted to stay in Mississippi and become citizens of the States and take land? A Not that I know of.
- Q Did any of them ever claim or receive any land from the Government of the United States under the fourteenth article of the treaty of Dancing Rabbit Creek? A Not that I know of.

In accordance with the provisions of this fourteenth article of the treaty of Dancing Rabbit Creek, the Government of the United States directed an agent in the State of Mississippi to register the names of such Choctaws as might desire to remain there and become citizens of the States and take land. The records of the Government show that that agent failed to register and report to the Government the names of many Indians who did, in fact, let him know they wanted to stay and become citizens of the States and take land, and on this account the Government at its public land sales in Mississippi, in many instances, sold land upon which Choctaws lived and had improvements

Alvin G. Parker, et al., 5.

and which they supposed they would receive under the fourteenth article of the treaty. This caused a great deal of complaint among the Indians, and the matter was finally brought to the attention of Congress, and Congress passed certain acts between the years 1837 and 1842, providing for the appointment of commissioners to come down to Mississippi and hear the cases of Choctaws who claimed that they had complied in all respects with the provisions of the fourteenth article of the treaty of Dancing Rabbit Creek, but that their land had been sold by the Government. These commissioners were duly appointed by the President of the United States and they went down to Mississippi and heard a great many of these Choctaw cases.

Q Did any of your ancestors appear before any of these commissioners and attempt to establish their rights under the fourteenth article of the treaty of Dancing Rabbit Creek? A Not that I know of.

An act of Congress approved on the 23rd day of August, 1842, provided that in case it should be finally decided that a Choctaw had complied in all respects with the provisions of the fourteenth article of the treaty of Dancing Rabbit Creek, but that his land had been sold by the Government, he should be entitled to receive in the place of the land so sold by the Government, land some place else in Mississippi, or in Alabama, Louisiana, or Arkansas, from vacant Government land, and should be given a certificate to that effect. These certificates were called scrip.

- Q Did any of your ancestors ever get any of this scrip from the Government of the United States under this act of Congress?
A Not that I know of.
Q So far as you know, then, none of your ancestors ever received any benefits whatever as Choctaw Indians? A No, sir.
Q And you have no knowledge of any of them ever having been recognized members of the tribe? A No, sir.
Q Do you know of any old persons living who would likely know whether any of your ancestors ever complied or attempted to comply with the provisions of the fourteenth article of the treaty of Dancing Rabbit Creek, or ever received any benefits thereunder? A I do not.
Q Do you know of any written evidence of any description which would prove or tend to prove that such a state of facts? A No, sir, I do not.
Q Have you any written evidence of any kind to offer at this time in support of your application? A I have not.

Alvin G. Parker, et al., 6.

- Q Have you any witnesses here today to testify in your behalf?
A I have a uncle here.
Q What is his name? A Luther F. Vick.
Q He has just appeared before the Commission and made application in his own behalf? A Yes, sir.
Q You simply want your case considered in connection with his application? A I do.
Q He is a brother of your mother? A Yes, sir.
Q Full brother? A Yes, sir.

If you should find any witnesses whose testimony you desire to have taken by the Commission, they may appear before us here within ten days from this date and their testimony will be taken. Or, if you should see fit to offer any written evidence in your case, if the same is presented within ten days from this date, it will receive consideration.

- Q Have you any brothers living? A I have.
Q How many? A One.
Q What's his name? A George L. Parker.
Q Has he been before the Commission? A No, sir.
Q Have you any sisters living? A Yes, sir, I have two.
Q What are their names, and if they are married, give us their married names? A The eldest one is Annie V. Wilson.
Q Next one? A Julia L. Phillips.
Q Have they been before the Commission? A No, sir.
Q Have you any brothers or sisters dead who left children? A No, sir.
Q Are there any further statements you want to make at this time in support of your application? A No, sir.
Q You don't speak or understand the Choctaw language? A I do not.

Reference is hereby made to M.C.R. 5879, Luther F. Vick, et al., the principal applicant, Luther F. Vick, being a brother of the mother of the applicant, Alvin G. Parker.

(This applicant has the appearance of being a white man, and shows no indication of being possessed of Indian blood. He has dark hair, rather dark complexion and gray eyes. He does not speak or understand the Choctaw language, and has no knowledge of a compliance on the part of any of his ancestors with the provisions of the fourteenth article of the Treaty of Dancing Rabbit Creek.)

Alvin G. Parker, et al., #7.

Luther F. Vick, being called and first duly sworn as a witness in behalf of the above named applicant, upon his oath testified as follows:

Examination by the Commission.

- Q What is your name? A Luther F. Vick.
Q How old are you, Mr. Vick? A Fifty two.
Q What is your post office address? A It is Lynch.
Q Lynch, Texas? A Yes, sir; Hopkins County.
Q You are the Luther F. Vick who appeared before the Commission here this morning and made application for the identification of yourself and family as Mississippi Choctaws? A Yes, sir.
Q What is your occupation? A I am farming.
Q Are you acquainted with Alvin G. Parker who just appeared before the Commission? A I am.
Q How long have you known him? A All of his life.
Q Is his mother living? A Yes, sir.
Q What's her name? A Mary Parker, or Mary Reynolds. You know we had that question here.
Q What was the name of the father of this applicant? A George Parker.
Q What relation are you to Mary Parker? A Her brother.
Q Full brother? A Yes, sir.
Q Were you well acquainted with George Parker during his life time? A Yes, sir, well acquainted with him.
Q Did he have any Choctaw blood? A I do not know whether he did or not.
Q Do you know the names of his parents - father and mother?
A I don't know the name of his father, but his mother was named Julia, but his father was dead before I ever got acquainted with him.
Q You don't know the names of his grand parents? A No, sir; the county records shew --

R. S. Streit, having been first duly sworn, upon his oath states that as stenographer to the Commission to the Five Civilized Tribes, he reported infuol all proceedings had in the above entitled cause at Muskogee, Indian Territory, on the 25th day of June, 1902, and that the above and foregoing is a full, true and correct translation of his stenographic notes of said proceedings in said cause upon said date.

Subscribed and sworn to before me at Muskogee, Indian Territory this 1st day of July, 1902.


Commissioner.

M O R 5880

Muskogee, Indian Territory, February 9, 1903.

Alvin G. Parker,

Davis, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of your letter of January 31, 1903, stating when and where you appeared before the Commission.

In reply to your letter you are advised that it appears from our records that you are an applicant to this Commission for the identification of yourself and three minor children as Mississippi Choctaws.

No decision has yet been rendered in your case. As soon as a decision is reached you will be duly notified of the action of the Commission.

A copy of the ninth annual report of the Commission has been forwarded you under separate cover.

Respectfully,

Acting Chairman.

COPY.

M.C.R. 5880.

Muskogee, Indian Territory, February 18, 1903.

Alvin G. Parker,

Davis, Indian Territory.

Dear Sir:

You are hereby advised that on the 18th day of February, 1903, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Mary S. Reynolds, et al., embracing the following applications for identification as Mississippi Choctaws:

| | |
|-----------------------------|--------------|
| Mary S. Reynolds, | M.C.R. 5993 |
| Annie V. Wilson, et al., | M.C.R. 5995 |
| Julia I. Phillips, et al., | M.C.R. 5994 |
| Alvin G. Parker, et al., | M.C.R. 5880 |
| George L. Parker, | M.C.R. 6013 |
| Isaac G. Farris, et al., | M.C.R. 5997 |
| Bertha M. Taylor, et al., | M.C.R. 5996 |
| William W. Manning, et al., | M.C.R. 5937 |
| George R. Lilley, | M.C.R. 6019 |
| Stephen S. Lilley, et al., | M.C.R. 6020 |
| Robert F. Lilley, | M.C.R. 6018 |
| Lawrence A. Vick, et al., | M.C.R. 6016 |
| Luther F. Vick, et al., | M.C.R. 5879 |
| Nora Akins, et al., | M.C.R. 6017 |
| Iula Akins, et al., | M.C.R. 6003 |
| Newton Vick, | M.C.R. 6005 |
| Maudie Bays, | M.C.R. 6004 |
| Turner Vick, et al., | M.C.R. 6007 |
| Lutitia Irons, et al., | M.C.R. 6009 |
| Willie Proctor, et al., | M.C.R. 6010 |
| Clarissa Vick, | M.C.R. 6012 |
| Cora Petty, et al., | M.C.R. 6011 |
| James H. Manning, et al., | M.C.R. 6015 |
| Susan Kehlley, | M.C.R. 6008 |
| Judge D. Vick, et al., | M.C.R. 6006 |
| Dora E. Proctor, | M.C.R. 6261 |
| George Henry Vick, et al., | M.C.R. 6290 |
| Margaret L. Morris, et al., | M.C.R. 6288 |
| Florence B. Tillery, | M.C.R. 6289. |

These applications were made under the provision of the Act of Congress of June 28, 1898 (30 Stats., 495), which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses, and perform all other acts necessary thereto, and make report to the Secretary of the Interior."

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Mary S. Reynolds, Annie V. Wilson, Cyrus H. Wilson, Nellie P. Wilson, James E. Wilson, Julia I. Phillips, Dora M. McMerley, Bertha B. McMerley, Samuel B. McMerley, Mary I. McMerley, Walter C. Phillips, Everett H. Phillips, Alvin G. Parker, Alvin C. Parker, Hubert L. Parker, Elbert H. Parker, George L. Parker, Isaac G. Farris, Dumas C. Farris, Bertha M. Taylor, Durand A. Taylor, Durer O. Taylor, William W. Manning, Sydney S. Manning, Rammy B. Manning, Vanny B. Manning, Nora Lee Manning, George C. Manning, Thomas V. Manning, George R. Lilley, Stephen S. Lilley, Cordena May Lilley, Emma L. Lilley, Robert F. Lilley, Lawrence A. Vick, Mamie Vick, Luther F. Vick, Tyra L. Vick, Gracie D. Vick, Alexander Crisp Vick, Nora Akins, Tullie May Akins, Thomas L. Akins, Virgie Akins, Susie Akins, Lula Akins, Jewel Bertha Akins, Frankie Lee Akins, Maudie May Akins, Newton Vick, Maudie Bays, Turner Vick, Jessie A. Vick, Josh Vick, Gertrude Vick, Luititia Irons, Ethel Irons, Willie Proctor, Alvin Proctor, Clarissa Vick, Cora Petty, Murphy Petty, James H. Manning, Col Griffin Manning, Mary Manning, Dora Manning, Samuel W. Manning, Susan Kehley, Judge D. Vick, James T. Vick, Merritt E. Vick, John W. D. Vick, Dora E. Proctor, Bertha Lee Proctor, Mattie Chlee Proctor, Alma C. Proctor, Otha D. Proctor, George Henry Vick, Luther Vick, Margaret L. Morris, Roley Jim Morris, Stephen Monroe Morris and Florence B. Tillery, as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the applications for their identification as such should be refused, and it is so ordered."

A. G. P. # 3.

You are further advised that you will be allowed fifteen days from the date hereof within which to file arguments in this office, and that at the expiration of said time, the papers in the case, together with such arguments, will be forwarded to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

ISB: 11

Tame Lucy.

Acting Chairman.

Registered.

COMMISSIONERS
JAMES BIXBY,
THOMAS B. NIEDELS
C. R. BRECKINRIDGE
W. E. STANLEY

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

REFER IN REPLY TO THE FOLLOWING

M C R 5880

ALLISON L. AYLESWORTH,
SECRETARY

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES

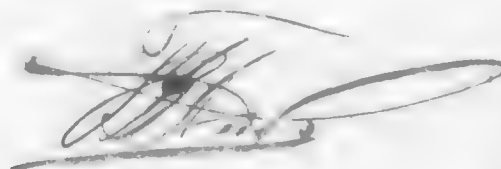
Muskogee, Indian Territory, April 7, 1904.

Alvin G. Parker,
Aubrey, Texas.

Dear Sir:

You are hereby notified that on the 24th day of March 1904, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Mary S. Reynolds, et al., of which decision you were advised by registered mail on the 18th day of February 1903.

Respectfully,



Commissioner in Charge.

No. 5880

For Identification as a Mississippi Choctaw.

Date JUN 25 1902

Name *Alvin G. Parker*

Age 28 Blood $\frac{1}{16}$

Post-Office, *Aubrey, Texas.*

Father: *George W. Parker* d

Mother: *Mary* " L

Claims through both parents.
wife *Lou G. Parker* L
No claim for wife.

For self and 3 children.

Children:

| | |
|------------------------|-----|
| <i>Alvin C. Parker</i> | 8 |
| <i>Hubert L.</i> | 3 |
| <i>Elbert H.</i> | 7mo |

Stenographer *R. A. Strick.*



DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.
FILED
MAY 11 1904

[Signature]

CHAIRMAN.

UNCLAIMED

General Office

U. S. R.
5880

Advising that the Secretary of
the Interior has accepted Commis-
sion's Section, requests appli-
cation for identification as a
Mississippi Choctaw.

Alvin G. Barker,
Aubrey, Texas.

RETURNED
TO
WRITER

Department of the Interior
Commission to the Five Civilized Tribes
Wash. D.C., D.D. Tenn.
Official business.
Penalty for private use, \$300.

Choctaw MCR 5881

Charlotte Potts

MCR 5881

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.

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In the matter of the application of Charlotte Potts, et al.,
for identification as Mississippi Choctaws, M.C.R. 5881.

List of papers forwarded to the Secretary of the Interior
comprising the record in the above case.

| | (Page) |
|---|--------|
| Original application of Charlotte Potts, et
al., to the Dawes Commission for identification
as Mississippi Choctaws----- | 1 |
| Affidavit of Polly Young----- | 10 |
| Copy of affidavit of J. S. Smith----- | 11 |
| Copy of affidavit of W. C. Porter----- | 12 |
| Decision of the Commission refusing the ap-
plication of Charlotte Potts, et al., for
identification as Mississippi Choctaws----- | 13 |

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M C R 5861

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, Indian Territory, June 25, 1902.

In the matter of the application of Charlotte Potts for the identification of herself and her seven minor children, Irving, Roscoe, Fair, Lenox, Chester, Hardy and Stella Potts, as Mississippi Choctaws.

Charlotte Potts, having been first duly sworn, upon her oath testified as follows:

Examination by the Commission.

- Q What is your name? A Charlotte Potts.
Q How old are you? A About thirty five years of age.
Q How much Choctaw blood have you? A I couldn't tell you that.
Q What's your post office address? A Sherman, Texas.
Q Any local address? A No, sir.
Q Street number? A Just Sherman, Texas.
Q Is your father living? A No, sir.
Q What was your father's name? A Alfred Young, was my father's name.
Q Is your mother living? A Yes, sir.
Q What's her name? A Polly Young.
Q Through which one of your parents do you derive your Choctaw blood? A My grand pa.
Q Your parents - father or mother? A Mother.
Q Has your mother been before this Commission? A Yes, sir; wasn't this one; she was at - what's the name of the place - Atoka.
Q Was your mother a slave? A Yes, sir.
Q About how old is she? A She's about sixty, I think.
Q Where was she born? A In Mississippi.
Q What county? A I couldn't tell you that.
Q How long did she live there after her birth? A I couldn't tell you; I don't know.
Q How long has she lived in Texas? A Why, I have been there a long time; I don't know; - she's been in Texas --
Q Don't know just how long? A No, sir.
Q Ever live any place else except Texas and Mississippi? A That's all.
Q Through which one of her parents did she get her Choctaw blood? A Buck-a-tubbae.
Q Who is Buck-a-tubbae? A That's her grand pa.
Q I want to know through which one of her parents - her father or mother? A Her father.

Charlotte Petts, et al., 2.

- Q What was her father's name? A Buck-a-tubbee.
- Q Your mother's father? A Her father; I don't know her father.
- Q What was your mother's mother's name? A She was named Sarah Cochran, or Sarah George.
- Q Sarah didn't have any Choctaw blood, did she? A That was her mother.
- Q Did she have any Choctaw blood? A Yes, sir.
- Q Then, your mother got her Choctaw blood through her mother, did she? A Yes, sir.
- Q And your mother's father had no Choctaw blood; is that right? A I don't know.
- Q Do you mean to say you don't know through which one of her parents your mother got her Choctaw blood - her father or her mother?
- A She got it through her father, I think.
- Q And you don't know what his name was? A My grand father's name? I don't know.
- Q You don't know how much Choctaw blood he had? A Who?
- Q Your mother's father? A No, sir, I don't know; three quarters, or something; I heard her say, but I have forgot.
- Q Now, through which one of his parents did he get his Choctaw, his father or his mother? A Well, I'll tell you; I don't know about all of that.
- Q How old would your mother's father be if he were living now? A I couldn't tell you.
- Q Do you know the name of his father or mother? A His mother and father?
- Q Your grand father's mother and father? A I don't know none but Buck-a-tubbee.
- Q Who is Buck-a-tubbee? A I don't know.
- Q You don't know what relation you are to him at all? A Great grand father, I guess; I don't know all them things.
- Q Was this man, whose name you claim was Buck-a-tubbee, your mother's father's father? A Yes, sir.
- Q You are sure of that now, are you? A Yes, sir.
- Q Did you ever see him? A No, sir; I never did see him.
- Q Do you know what the name of your mother's father's mother was? A No, sir, I don't know.
- Q Do you know whether your mother's father and mother were lawfully married? A I couldn't tell you that.
- Q Don't know anything about that? A No, sir.
- Q Do you know how many children were born to them? A No, sir, there was two, I think. Mama and her sister is all I know.
- Q Were they full sisters? A No, sir.
- Q Different father? A Yes, sir.
- Q You don't know whether your mother's father and mother were ever married or not, or ever lived together as husband and wife, do you? A Yes, sir, I guess they did.
- Q I asked you whether you knew or not, and not what you guessed? A No, sir, I don't know anything about all that.
- Q Do you know where Buck-a-tubbee was born? A No, sir; in Mississippi.
- Q How do you know he was? A Well, I heard her say so.
- Q Heard your mother say so? A Yes, sir.
- Q Did he live in Mississippi all his life? A Yes, sir.

Charlotte Petts, et al., 2.

Q You don't know the year in which he was born, do you?
A No?

Q Yes? A No, sir, the folks had our age down; it got burnt up; my mother's young mistress' house burnt up, and she don't really know her age exactly.

Q I want to know in what year Buck-a-tubbee was born? A I don't know.

Q Are you married? A Yes, sir.

Q Your husband living? A Yes, sir.

Q What's his name? A G. B. Petts.

Q Has he any Choctaw blood? A Him?

Q Yes? A No, sir.

Q You make no claim for him then? A No, sir.

Q Have you any children? A Yes, sir.

Q How many? A Seven.

Q What are their names and ages? A I don't know; I put their ages down here.

Q The oldest first? A He is about eighteen.

Q What's his name? A Irving Potts.

Q The next one? A Roscoe.

Q How old is Roscoe? A Roscoe is about seventeen.

Q Next one? A Fair Potts.

Q That a boy or girl? A Boy.

Q How old is Fair? A Fair is about thirteen.

Q Next one? A His name is Lenex.

Q Boy? A Yes, sir.

Q How old is Lenex? A He is about eleven years old.

Q Next one? A Chester.

Q How old is Chester? A He is seven.

Q Next one? A Hardy Potts.

Q How old is Hardy? A He is going on five.

Q Next one? A Stella.

Q How old? A She's just two.

Q That all of them now? A Yes, sir.

Q These children all living with you at this time? A Yes, sir.

Q Are they all the children of yourself and G. B. Petts? A Yes, sir.

Q This application, then, is for yourself and seven minor children; is that right? A Yes, sir.

Q Was your mother ever recognized in any manner or enrolled as a citizen of the Choctaw Nation? A Sir?

Q Was your mother ever recognized in any manner or enrolled as a citizen of the Choctaw Nation? A I don't know; I guess so.

Q What makes you think so? A I don't know what you are talking about.

Q By a recognized and enrolled citizen, I mean was she ever a member of the Choctaw tribe of Indians; ever live among them and have her name put on the roll? A I don't now whether she did. Her grand mother did.

Q I am talking about your mother? A No, sir, I don't know.

Q She never lived in Indian Territory, did she? A No, sir, not since I can recollect.

Charlotte Potts, et al., 4.

Q Is your name, or the name of any one of these children, to be found upon any of the Choctaw tribal rolls in Indian Territory?

A Sir?

Q Is your name, or the name of any one of these children, to be found upon any of the Choctaw tribal rolls in Indian Territory?

A That what you put on there just now?

Q I am talking about the tribal rolls. The tribal rolls are lists of the people who belong to the Choctaw tribe of Indians, prepared by the officers of the Choctaw Nation. I want to know if your name, or the names of these children are found on those rolls?

A I don't know.

Q Has any application of any description ever been made for you or for any of these children to the Choctaw tribal authorities for the purpose of having you admitted to citizenship in that Nation? A I don't know what you are talking about.

Q Well, the Choctaw Indians have a form of Government of their own, and they know who belong to their tribe, the Indians who are members, or citizens of their Nation. Now, in order for a persons - in the past it has been the custom of the person becoming a member of that tribe, except by intermarriage, to go to what they call their Council and ask permission to become a member of their tribe. I want to know whether you, or any of these children have ever been admitted as members of that tribe down in the Choctaw Nation?

A Never have.

Q Did you, or any one for you, or did any one in behalf of your children, in the year 1896, make application to this Commission for citizenship in the Choctaw Nation? A None but my mother.

Q I am talking about six years ago? A Six years ago?

Q Yes? A (No answer.)

Q If any such application was made for you or these children, you don't know about it, do you; never heard of it? A None but my mother. I don't understand what you are talking about.

Q You know what you are doing now. You come here to make application for your rights as Choctaw Indians. Was any such application made for you or these children in 1896 to this Commission?

A Yes, sir, I reckon.

Q What makes you reckon? A I don't understand what you are talking about; that's the reason I just reckon.

Q In the year 1896, this Commission had authority given it by an act of Congress to pass upon the rights of any persons who claimed that they were Choctaw Indian, and ought to be entitled to take land down there? A Yes.

Q Now, this Commission had that authority six years ago - in 1896? A Yes.

Q Now, at that time, a great many people sent in written petitions, and written applications to this Commission stating they were Choctaws and wanted to be a part of the tribe. Did you make an application of that kind six years ago? A I never, mother did. No, sir; I never made any application of any kind before today.

Q And so far as you know, no one else has ever made application for you? A My mother has.

Q When? A Down here to Atoka, I think.

Charlotte Petts, et al., S.

Q When? A Last year; last September.

The records of the Commission show that on the 25th day of September, 1901, Polly Young appeared before the Commission at Atoka, Indian Territory, and made application for the identification of herself and one minor child, as Mississippi Choctaws. No application was made at that time in behalf of this applicant.

Q You appear before the Commission at this time for the purpose of claiming rights in the Choctaw lands in Indian Territory under article fourteen of the treaty of Dancing Rabbit Creek, do you?
A/ Yes, sir.

The treaty of Dancing Rabbit Creek was entered into in the State of Mississippi on the 27th day of September, 1830, between the Government of the United States and the Choctaw tribe of Indians. At the time this treaty was made the Choctaws lived in the State of Mississippi and along the western edge of the State of Alabama. The object of the treaty was to get these Indians to move from the country occupied by them in Mississippi and Alabama, to a new country west of the Mississippi River, part of which is now occupied by the greater portion of the Choctaw tribe of Indians and is commonly known as the Choctaw Nation, Indian Territory. At the time the treaty was made some of the Indians were unwilling to leave that country and for the benefit of those who insisted upon being permitted to remain there what is known as the fourteenth article was put in the treaty. That 14th article provided that upon certain conditions a Choctaw who preferred to remain in Mississippi and not move out west to the new nation might receive land in Mississippi from the Government of the United States. It is as follows:

"Each Choctaw head of a family being desirous to remain and become a citizen of the States shall be permitted to do so by signifying his intention to the agent within six months from the ratification of this treaty, and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land, to be bounded by sectional lines of survey; in like manner shall be entitled to one-half that quantity for each unmarried child which is living with him over ten years of age; and a quarter section for such child as may be under ten years of age, to adjoin the location of the parent. If they reside upon said land intending to become citizens of the States for for five years after the ratification of this treaty, in that case a grant in fee simple shall issue; said reservation shall include the present improvement of the head of the family, or a portion of it. Persons who claim under

Charlotte Potts, et al., 6.

this article shall not lose the privilege of a Choctaw citizen, but if they ever remove are not to be entitled to any portion of the Choctaw annuity."

Q I have quoted to you, in full, the fourteenth article of the treaty of Dancing Rabbit Creek. You understand it do you not?

A Yes, sir.

Q Did any of your ancestors ever do as that fourteenth article required a Choctaw to do in case he wanted to stay in Mississippi and become a citizen of the States and take land? A Yes, sir.

Q What? A Yes, sir.

Q You know what the word ancestor means? Ancestors is your fore-fathers - parents, away back? A Yes, sir.

Q Do you know whether any of your people did as that fourteenth article required a Choctaw to do in case he wanted to stay and take land back there in Mississippi, in 1830? A Take land?

Q Yes? A I don't know.

Q You don't know about that? A No, sir.

Q Do you know whether any one of your Choctaw ancestors - Choctaw fore-fathers - were living in the old Choctaw Nation, back in Mississippi and Alabama, in the year 1830, when this treaty was made; that's over seventy two years ago? A I guess they was. Yes, sir; I guess they was.

Q Who do you think was living there then? One of your Choctaw ancestors? A My great grand father.

Q What was his name? A My great grand mother.

Q What were their names? A I don't know; I know my great grand mother's name.

Q What was her name? A Sarah Cochran, or Sarah George.

Q Do you know whether any of your Choctaw ancestors, who might have been living there in 1830, owned an improvement there at that time? A Yes, sir; my grand mother owned property there.

Q Owned property there? A My grand father.

Q Where did they own property in 1830? A I don't know what time it was; but I heard her say she owned property there.

Q She and grand father were both slaves, weren't they?

A Were slaves?

Q Yes? A My grand mother was slave, and my grand father, I don't know.

Q Don't know whether he was or not? A No.

Q Did any of your Choctaw ancestors remove to the present Choctaw Nation, in Indian Territory, at the time of the removal of the greater portion of the Choctaw tribe of Indians, between the years 1833 and 1838? A I don't know.

Q Did any of them, within six months after this treaty of Dancing Rabbit Creek was made, let the agent of the Government in Mississippi for the Choctaws know that they wanted to stay in Mississippi and become citizens of the States and take land? A I don't know.

Q So far as you knew, then, none of your Choctaw ancestors, that is, your Choctaw fore-fathers, ever got any land from the Government? A No, sir, not as I know of.

Charlotte Potts, et al., 7.

Q You never heard of any of them ever having gotten any land from the Government? A No, sir.

In accordance with the provisions of the fourteenth article of the treaty of Dancing Rabbit Creek, the Government of the United States directed an agent in the State of Mississippi to register the names of such Choctaws as might desire to remain in Mississippi and become citizens of the States and take land. The records of the Government show that this agent failed to register and report to the Government the names of many Choctaws who did, in fact let him know that they wanted to stay in Mississippi and become citizens of the States and take land, and on this account, the Government at its public land sales in Mississippi, in many instances, sold land upon which Choctaws lived and had improvements, and which they supposed they would receive under the fourteenth article of the treaty. This caused a great deal of complaint among the Indians, and the matter was finally brought to the attention of Congress and Congress passed certain acts between the years 1837 and 1842, providing for the appointment of commissioners to come down here to Mississippi and hear the cases of Choctaws who claimed that they had complied in all respects with the provisions of the fourteenth article of the treaty of Dancing Rabbit Creek, that is, done everything that the fourteenth article of the treaty required them to do, but that their land had been sold by the Government, and they had been deprived of it. These commissioners were appointed by the President of the United States, and they went down to Mississippi and heard a great many of these Choctaw cases.

Q Do you know whether any of your Choctaw fore-fathers appeared before any of these commissioners and attempted to establish their rights under this fourteenth article of the treaty of Dancing Rabbit Creek? A No, sir, I don't know.

An Act of Congress approved on the 23rd day of August, 1842, provided that in case it should be finally decided that a Choctaw had complied in all respects with the provisions of the fourteenth article of the treaty of Dancing Rabbit Creek, but that his land had been sold by the Government, he should be entitled to select in the place of the land so sold by the Government land some place else in Mississippi, or in Alabama, Louisiana, or Arkansas, from vacant Government land, and should be given a certificate to that effect. These certificates were called scrips.

Q Did any of your Choctaw ancestors ever get any of this scrip from the Government under this act of Congress, to your knowledge? A No, sir; I don't know.

Charlotte Potts, et al., S.

Q You never heard, then, of any of your Choctaw ancestors ever having received any benefits whatever as Choctaw Indians? A No, sir; never have heard of any of them.

Q Never heard of any of them having been recognized members of the Choctaw tribe of Indians, did you? A No, sir.

Q Do you know of any old persons living who would likely know whether any of your ancestors ever complied or attempted to comply with the provisions of this fourteenth article of the treaty of Dancing Rabbit Creek, or ever received any benefits thereunder? A No, sir.

Q Do you know of any written evidence of any description which would prove or tend to prove such a state of facts? A No, sir.

Q Any deeds or papers? A No, sir.

Q Have you any written evidence to offer at this time? A Yes, sir.

Affidavit of Polly Young, certified copy of the affidavits of J. S. Smith and W. C. Porter, are offered in evidence identified as Exhibits "A, B, and C", filed, and made a part of the record in this case.

Q Have you any witnesses here today to testify in your behalf? A No, sir.

If you should find any witnesses whose testimony you desire to have taken by the Commission, they may appear before the Commission here at Muskogee, Indian Territory, within ten days from this date, and their testimony will be taken. If you should see fit to present any written evidence in this case, if the same is filed within ten days from this date, it will be considered.

Q Any further statements you want to make at this time in support of your application? A No, sir.

Q Have you any brothers? A Yes, sir; they all been here.

Q Well, have you any brothers? A Yes, sir.

Q What are their names? A One named Sam, Alex and Jim.

Q Sam, Alex and Jim who? A Young.

Q Have you any sisters? A Yes, sir.

Q What are their names? A Violet Wash, Millie Potts and Jane Wilder.

Q Next one? A Belle Hare.

Q Next one? A Ava Fero.

Q Next one? A Willie Potts.

Q Next one? A Effie Young.

Q Has your mother any brothers or sisters? A She's got a sister.

Q What's her name? A Lucy Harrison.

Q She's just a half sister? A Yes, sir.

Charlotte, Potts, et al., 9.

Q Has no Choctaw blood? A Yes, sir.
Q She has no Choctaw blood - her sister? A Yes, sir.
Q Has she been before the Commission? A No, sir; she hasn't
come.
Q You don't speak or understand the Choctaw language?
A No, sir.

(See V. C. R. 3625, Polly Young.)

(This applicant has the appearance of being a full blood and shows no indication of being possessed of Indian blood. She does not speak or understand the Choctaw language, and has no knowledge of a compliance on the part of any of her ancestors with the provisions of the fourteenth article of the treaty of Dancing Rabbit Creek.)

R. S. Streit, having been first duly sworn, upon his oath states that as stenographer to the Commission to the Five Civilized Tribes, he reported in full all proceedings had in the above entitled cause at Muskogee, Indian Territory, on the 25th day of June, 1902, and that the above and foregoing is a full, true and correct translation of his stenographic notes of said proceedings in said cause upon said date.

Subscribed and sworn to before me at Muskogee, Indian Territory, this 1st day of July, 1902.



Commissioner.

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DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

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In the matter of the application of Charlotte Potts, et al.,
for identification as Mississippi Choctaws, N.C.R. 5881.

--- D E C I S I O N ---

It appears from the record herein that an application for identification as Mississippi Choctaws was made to this Commission by Charlotte Potts for herself and her seven minor children, Irving, Roscoe, Fair, Lenox, Chester, Hardy and Stella Potts, under the following provision of the act of Congress approved June 28, 1898 (30 Stats., 495):

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses, and perform all other acts necessary thereto and make report to the Secretary of the Interior."

It also appears that all of said applicants claim rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, by reason of being descendants of one Buck-a-tubbe (or Buckatabbe, or Betchertabbe), who is alleged to have been a Choctaw Indian,

(degree of blood not stated), and Sarah (or Sally) Cochran (or Sarah George), who is alleged to have been a full blood Choctaw Indian, all of whom are alleged to have resided in Mississippi in eighteen hundred and thirty.

It further appears from the evidence submitted in support of said application and from the records in the possession of the Commission, that none of said applicants has ever been enrolled by the Choctaw tribal authorities as a member of the Choctaw tribe, or admitted to Choctaw citizenship by a duly constituted court or committee of the Choctaw Nation, or by the Commission to the Five Civilized Tribes, or by a decree of the United States Court in Indian Territory, under the provisions of the act of Congress approved June 10, 1896 (29 Stats., 321).

It does not appear from the testimony and evidence offered in support of said application, or from the records in the possession of the Commission relating to persons who complied or attempted to comply with the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and to persons who heretofore were claimants thereunder, that the said Buck-a-tubbee (or Bachatablee, or Patchertabby), or Sarah (or Sally) Cochran (or Sarah George), or an ancestor less remote signified (in person or by proxy) to Colonel Wm. Ward, Indian Agent, Choctaw Agency, an intention to comply with the provisions of said article fourteen, or presented a claim to rights thereunder to either of the Commissions authorized to adjudicate such claims by the acts of Congress approved March 3, 1837 (5 Stats., 180) and August 23, 1842 (5 Stats., 513).

It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Charlotte Potts, Irving Potts, Roscoe Potts, Fair Potts, Lenox Potts,

-3-

Chester Potts, Hardy Potts and Stella Potts as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the application for their identification as such should be refused, and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES:

(SIGNED).

Fame Ditty.

Acting Chairman.

(SIGNED).

T. B. Woodlee.

Commissioner.

(SIGNED).

C. R. Breckinridge.

Commissioner.

Muskogee, Indian Territory,

DEC 4 1902.

COPY

Muskogee, Indian Territory, December 4, 1902.

Mansfield, McMurray & Cornish,

Attorneys for Choctaw and Chickasaw Nations,
South McAlester, Indian Territory.

Gentlemen:-

You are hereby advised that on the 4th day of December, 1902, the Commission to the Five Civilized Tribes rendered a decision in the case of Charlotte Potts, et al., applicants for identification as Mississippi Choctaws.

This application was made under the provision of the act of Congress of June 28, 1898 (30 Stats., 495).

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Charlotte Potts, Irving Potts, Roscoe Potts, Fair Potts, Lenox Potts, Chester Potts, Hardy Potts and Stella Potts as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the application for their identification as such should be refused, and it is so ordered."

You are further advised that the applicants in this case have been allowed fifteen days from the date hereof within which to file arguments in this office, and that at the expiration of said time the papers in the case, together with such arguments, will be forwarded for review to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

Tame Dixby.

Acting Chairman.

COPY

Muskogee, Indian Territory, December 4, 1902.

Charlotte Potts,

Sherman, Texas.

Dear Madam:-

You are hereby advised that on the 4th day of December, 1902, the Commission to the Five Civilized Tribes rendered a decision in the case of Charlotte Potts, et al., applicants for identification as Mississippi Choctaws.

This application was made under the provision of the act of Congress of June 28, 1898 (30 Stats., 495), which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses, and perform all other acts necessary thereto and make report to the Secretary of the Interior."

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Charlotte Potts, Irving Potts, Roscoe Potts, Fair Potts, Lenox Potts, Chester Potts, Hardy Potts and Stella Potts as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the application for their identification as such should be refused, and it is so ordered."

You are further advised that you will be allowed fifteen days from the date hereof within which to file arguments in this

C. P. #2.

office, and that at the expiration of said time the papers in the case, together with such arguments, will be forwarded for review to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

SIGNED:

Tame Piny

Registered.

Acting Chairman.

Muskogee, Indian Territory, December 20, 1902.

The Honorable,

The Secretary of the Interior.

Sir:

There is transmitted herewith the record in the case of Charlotte Potts, et al., applicants to the Commission for identification as Mississippi Choctaws, including the decision of the Commission of December 4, 1902.

The Commission has the honor to report that the principal applicants herein and the attorneys for the Choctaw and Chickasaw Nations have been duly advised by letter of the action of the Commission, copies of said letters being attached to the record.

The applicants in this case are related to the applicants in the consolidated Mississippi Choctaw case of Polly Young, et al., decision in which was rendered by the Commission on July 25, 1902, and approved by the Secretary on September 3, 1902.

Respectfully,

(Signed)

James E. Froy.
Acting Chairman.

Through the
Commissioner of Indian Affairs.
Enc. M.C.R. 3881.

Land
76168--1902.

C O P Y.

Department of the Interior,
Office of Indian Affairs,
Washington, February 13, 1903.

The Honorable,

The Secretary of the Interior.

Sir:

There is transmitted herewith record of the Commission to the Five Civilized Tribes in the matter of the application for identification as Mississippi Choctaws of Charlotte Potts for herself and seven children, Irving, Roscoe, Fair, Lenox, Chester, Hardy and Stella Potts.

It appears from the evidence in this case that the applicants base their claim to identification upon their descent from Buck-a-tubbee, who it is alleged, was a citizen of the Choctaw Nation and resided in Mississippi or Alabama in 1830.

The Commission bases its decision against these parties on the ground that its records fail to show that Buck-a-tubbee ever complied or attempted to comply with the provisions of the 14th article of the Choctaw treaty of 1830.

An examination of the records of this office discloses the fact that the name of Buck-a-tubbee is not found included in the list of those persons who complied or attempted to comply with the provisions of the 14th article of the Choctaw treaty of 1830, and it is recommended that the decision of the Commission be approved.

Very respectfully,

A. C. Tonner,

Acting Commissioner.

E.B.H. H'r

D.C. 7008

C O P Y.
DEPARTMENT OF THE INTERIOR.
W A S H I N G T O N.

RAF.

ITD. 1694-1903.
L R S

March 11, 1903.

Commission to the Five Civilized Tribes,
Muskogee, I.T.

Gentlemen:

December 20, 1902, you transmitted the record in the matter of the application for identification as Mississippi Choctaws, of Charlotte Potts and her minor children, Irving, Rescoe, Fair, Lenox, Chester, Hardy and Stella Potts, including your decision of December 4, 1902, adverse to the applicants.

They claim to be descendants of one Buck-a-tubbee (or Bachatablee or Batchertabby), alleged to have been a Choctaw Indian, and Sarah (or Sally) Cochran (or Sarah George), who is said to have been a full blood Choctaw Indian, and both of whom are alleged to have resided in Mississippi in 1830.

The records fail to show that the applicants were ever admitted or enrolled as citizens of the Choctaw Nation, or that any one of their said ancestors complied or attempted to comply with article 14 of the treaty of September 27, 1830, or with either of the acts of March 3, 1837 (5 Stat., 180) and August 23, 1842 (5 Stat. 513).

Reporting February 13, 1903, the Acting Commissioner of Indian Affairs recommends approval of your decision. A copy of his letter is inclosed.

The Department finds no reason to modify your decision, and it is accordingly affirmed.

Respectfully,

F. L. Campbell,
Acting Secretary

1 inclosure.

H.C.R. 5881

COPY.

Muskogee, Indian Territory, March 20, 1903.

Mansfield, McMurray & Cornish,

Attorneys for the Choctaw and Chickasaw Nations,

South McAlester, Indian Territory.

Gentlemen:

You are hereby notified that on the 11th day of March, 1903, the Secretary of the Interior affirmed the decision of this Commission refusing the application for identification as Mississippi Choctaws of the several persons included in the case of Charlotte Potts, et al., of which decision you were advised by mail on the 4th day of December, 1902.

Respectfully,

Yours

Jane Bixby

Chairman.

COMMISSIONERS
JAMES H. HUBBY
THOMAS H. NEEDLES
C. R. PNEUMBRIDGE
W. L. STANLEY

ALLISON L. AYLESWORTH
SECRETARY

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

4180-3
REFER IN REPLY TO THE FOLLOWING

M.C.R. 5881

ALLISON L. AYLESWORTH
COMMISSION TO THE FIVE CIVILIZED TRIBES

Muskogee, Indian Territory, March 20, 1903.

Charlotte Potts,
Sherman, Texas.

Dear Madam:

You are hereby notified that on the 11th day of March, 1903, the Secretary of the Interior affirmed the decision of this Commission refusing the application for identification as Mississippi Choctaws of the several persons included in the case of Charlotte Potts, et al., of which decision you were advised by registered mail on the 4th day of December, 1902.

respectfully,



Chairman.

For Identification as a Mississippi Choctaw.

Date _____
 Name Charlotte Potts
 Age 35 Blood don't know
 Post-Office, Sherman Texas
 Father: Alfred Young d
 Mother: Polly " L
 Claims through mother.
husband L. B. Potts
No claim for husband.

For reference: _____

Children:

| | | |
|----------------|--------------|-----------|
| <u>Irring</u> | <u>Potts</u> | <u>18</u> |
| <u>Rose</u> | " | <u>17</u> |
| <u>Fair</u> | " m | <u>13</u> |
| <u>Lenox</u> | " m | <u>11</u> |
| <u>Chester</u> | " | <u>7</u> |
| <u>Hardy</u> | " | <u>4</u> |
| <u>Stella</u> | " | <u>2</u> |



APR 25 10:30 AM 1903

DEPARTMENT OF THE INTERIOR,
MISSION TO THE FIVE CIVILIZED TRIBES.
FILED
APR 24 1903



CHAIRMAN

5881
388

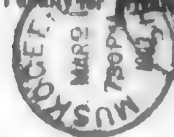
Department of the Interior

Commission to the Five Civilized Tribes

MUSKOGEE, INDIAN.

OFFICIAL BUSINESS

Penalty for Private Use, \$300.



Charlotte Potts,



Choctaw MCR 5882

Thomas S. Smith

See MCR 5574

MCR 5882

M C R 5882.

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, Indian Territory, June 25, 1902.

In the matter of the application of Thomas S. Smith for
the identification of himself and his two minor children, Charlotte
and Nena Smith, as Mississippi Choctaws.

Appearances:

Thomas and Harrison, Attorneys for Applicant.

Thomas S. Smith, having been first duly sworn, upon his
oath testified as follows:

Examination by the Commission.

- Q What is your name? A Thomas S. Smith.
Q How old are you, Mr. Smith? A Twenty eight.
Q How much Choctaw blood do you claim to have? A I don't
know how much.
Q What's your post office address? A Aveka, Oklahoma.
Q Is your father living? A No, sir.
Q What was his name? A Charles C. Smith.
Q Is your mother living? A Yes, sir.
Q What's her name? A Elizabeth Smith.
Q Through which one of your parents do you derive your Choctaw
blood? A My father.
Q How long has your father been dead? A Since '05.
Q About how old was he when he died? A Sixty years of age.
Q Where was he born? A In the State of Mississippi.
Q What county? A I don't know the county.
Q How long did he live in the State of Mississippi? A I could
n't tell you how long.
Q Where else did he ever live besides in Mississippi? A He
lived in Arkansas.
Q Where else? A In Oklahoma.
Q How long have you lived in Oklahoma? A Since the last part
of '92.
Q Where did you live before that? A Choctaw Nation, Indian
Territory.
Q How long did you live there? A Seven years, I believe.
Q Where did you live before that? A In Arkansas.
Q Born there? A No, sir, I was born in Missouri.
Q How much Choctaw blood did your father claim to have?

Thomas S. Smith, et al., 2.

A I don't know.
Q Were your father and mother lawfully married? A Yes, sir.
Q How long did they live together as husband and wife? A Well, I don't recollect.
Q Up until the time of his death? A Yes, sir.
Q You don't know when they were married? A No, sir.
Q How many children were born to them? A Twelve.
Q Through which one of his parents did your father get his Choctaw blood? A Through his mother.
Q What was her name? A Sallie Smith.
Q What was her maiden name? A Sallie Che-kach-yo.
Q How old would she be if she were living today? A Which, my grand mother? Why I don't know how old she would be.
Q How much Choctaw blood did she have? A I couldn't tell you.
Q Did you ever see her? A No, sir.
Q How did you know her name? A I have been taught that.
Q Always have been taught that that was her name? A Yes, sir.
Q Do you know the names of her parents? A Che-kach-yo was her father's name.
Q What was her mother's name? A I don't know her mother's name.
Q Do you know whether her mother was a white woman? A I don't know.
Q Do you know whether Che-kach-yo was lawfully married to her? A I don't know that far.
Q Was your father ever recognized in any manner or enrolled as a citizen of the Choctaw Nation? A No, sir; not that I know of.
Q You never have been? A No, sir.
Q Are you married? A Yes, sir.
Q Is your wife living? A Yes, sir.
Q What's her name? A Hattie Smith.
Q Have you any children? A Two.
Q What are their names and ages? A Charlotte Smith.
Q How old? A Seven years old.
Q Next? A Hona Smith, she's four.
Q Are these children both living? A Yes, sir.
Q Both living with you at this time? A Yes, sir.
Q Are they both the children of yourself and Hattie Smith? A Yes, sir.
Q Have you been married more than once? A No, sir.
Q Has she? A No, sir.
Q Were you married to Hattie under a license? A Yes, sir.
Q Where? A Fort Smith,
Q Arkansas? A Yes, sir.
Q When? A In '92.
Q Have you your license with you at this time? A Yes, sir.

Marriage license and certificate of Thomas S. Smith and Hattie Crawford is offered in evidence, identified as Exhibit "A", filed and made a part of the record in this case.

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Q You are the identical Thomas S. Smith referred to in this license, are you? A Yes, sir.

Q Has your wife any Choctaw blood? A No, sir.

Q You make no claim for her? A No, sir.

Q This application, then, is for yourself and two minor children? A Yes, sir.

Q Is your name, or the name of these children, on any of the Choctaw tribal rolls in Indian Territory to your knowledge?

A Is my name, or the children's names on the rolls?

Q Yes? A No, sir.

Q Has any application of any description ever been made to the Choctaw tribal authorities in Indian Territory for you or these children for the purpose of establishing your rights as Choctaw Indians, being admitted to citizenship, or enrolled? A No, sir.

Q Was any application made to this Commission in the year 1896, under the act of Congress approved June 10, 1896, for the purpose of establishing the rights of yourself or these children? A No, sir.

Q In the Choctaw Nation? A No, sir.

Q This, then, is the first application of any description that has ever been made for you, or these two children for the purpose of establishing your rights as Choctaws? A Yes, sir.

Q You appear before the Commission at this time for the purpose of claiming rights in the Choctaw lands in Indian Territory for yourself and two minor children under the fourteenth article of the treaty of Dancing Rabbit Creek? A Yes, sir.

This treaty of Dancing Rabbit Creek was entered into in the State of Mississippi on the 27th day of September, 1830, between the Government of the United States and the Choctaw tribe of Indians. At the time the treaty was made, the Choctaws lived in Mississippi and along the western edge of the State of Alabama. The object of the treaty was to get these Indians to move from the country occupied by them in Mississippi and Alabama to a new country west of the Mississippi River, a part of which is now occupied by the greater portion of the Choctaw tribe of Indians, and is commonly known as the Choctaw Nation, Indian Territory. At the time the treaty was made, some of the Indians were unwilling to leave this country and for the benefit of these who preferred to remain here what is known as the fourteenth article was put in the Treaty. That fourteenth article provided that upon certain conditions a Choctaw who might prefer to stay in Mississippi and not move out west to the new country, might receive land in Mississippi from the Government. It is as follows:

"Each Choctaw head of a family being desirous to remain and become a citizen of the States shall be permitted to do so by signifying his intention to the agent within six months from the ratification of this treaty, and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land, to be

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bounded by sectional lines of survey; in like manner shall be entitled to one-half that quantity for each unmarried child which is living with him over ten years of age; and a quarter section to such child as may be under ten years of age, to adjoin the location of the parent. If they reside upon said land intending to become citizens of the States for five years after the ratification of this treaty, in that case a grant in fee simple shall issue; said reservation shall include the present improvement of the head of the family, or a portion of it. Persons who claim under this article shall not lose the privilege of a Choctaw citizen, but if they ever remove are not to be entitled to any portion of the Choctaw annuity."

Q You understand that fourteenth article, do you? A Yes, sir.

Q Did any of your ancestors ever comply or attempt to comply with its provisions, or ever receive any benefits thereunder, to your knowledge? A My great grand father, I was taught, that he was located land in Mississippi.

Q What's his name? A Che-kach-ye.

Q You think he lived there when this treaty was made, do you?

A Yes, sir.

Q Do you know whether he owned an improvement there at that time? A No, sir, I don't.

Q Do you know whether he, within six months after this treaty of Dancing Rabbit Creek was ratified, let the agent of the Government in Mississippi for the Choctaws know that he wanted to stay in Mississippi and become citizens of the States and take land? A Well, I don't know about the length of time after that, but I was taught that he was located by George W. Martin there; I don't know what length of time after that.

Q Do you know whether he ever claimed or received any land from the Government of the United States under the fourteenth article of the treaty of Dancing Rabbit Creek? A He located - Martin -- on the 16th section - section 16, township 6, Range 5, but he failed to retain his reservation.

As to the records in the possession of the Commission throwing any light upon the question as to whether Che-kach-ye, whom the applicant claims to have been his great grand father, was located by United States locating Agent, George W. Martin, reference is hereby made to the records in the matter of the application of Tandy L. Caver for identification as a Mississippi Choctaw, M.C.R. 5272.

Q As far as you knew, none of your Choctaw ancestors ever did, in fact, receive any land from the Government under this fourteenth article? A No, sir, never got no benefits, as far as I know.

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In accordance with the provisions of this fourteenth article of the treaty of Dancing Rabbit Creek, the Government of the United States directed an agent in the State of Mississippi to register the names of such Choctaws as might desire to remain in Mississippi and become citizens of the States and take land. The records of the Government show that this agent failed to register and report to the Government the names of many Indians who did, in fact, let him know they wanted to stay in Mississippi and become citizens of the States and take land, and on this account the Government at its public land sales in Mississippi in many instances sold land upon which Choctaws lived and had improvements, and which they supposed they would receive under the fourteenth article of the treaty. This caused a great deal of complaint among the Indians, and the matter was finally brought to the attention of Congress and Congress passed certain acts between the years 1837 and 1842, providing for the appointment of commissioners to go down to Mississippi and hear the cases of Choctaws who claimed that they had complied in all respects with the provisions of the fourteenth article of the treaty of Dancing Rabbit Creek, but that their land had been sold by the Government. These commissioners were duly appointed by the President of the United States and they went down to Mississippi and heard a great many of these Choctaw cases.

Q Did any of your ancestors appear before any of these commissioners and attempt to establish their rights under the fourteenth article of the treaty of Dancing Rabbit Creek? A Not that I know of, any more than this location by Martin. I don't know whether he tried to establish his right any other way.

An act of Congress approved on the 23rd day of August, 1842, provided that in case it should be finally decided that a Choctaw had complied in all respects with the provisions of this fourteenth article of the treaty of Dancing Rabbit Creek, but that his land had been sold by the Government, he should be entitled to select in the place of the land so sold by the Government, land some place else here in Mississippi, or in Alabama, Louisiana, or Arkansas from vacant Government land, and should be given a certificate to that effect. These certificates were called scrip.

Q Did any of your ancestors ever get any of this scrip from the Government under this act of Congress? A Not that I know of.

Q Do you know of any old person living who would likely know whether any of your ancestors ever complied or attempted to comply with the provisions of the fourteenth article of the treaty of Dancing Rabbit Creek, or ever received any benefits thereunder? A I don't know.

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Q Do you know of any written evidence of any description which would prove or tend to prove such a state of facts? A Not that I know.

Q Have you any written evidence of any kind to offer at this time in support of your application? A No, sir.

Q Any witnesses? A No, sir.

If you should find any witnesses whose testimony you desire to have taken by the Commission they may appear here at Muskogee, Indian Territory, within ten days from this date, or if you should see fit to offer any written evidence in support of this application, if the same is presented within ten days from this date, it will receive consideration in your case.

Q Are there any further statements you want to make at this time in support of your application? A No, sir.

Q Have you any brothers living? A Yes, sir.

Q How many? A Three.

Q What are their names? A John Michael Smith.

Q Next one? A James G. Smith.

Q Next? A Charles J. Smith.

Q Have you any sisters? A Yes, sir.

Q How many? A Five.

Q What are their names, the married names if they are married? A Jennie Miller.

Q Next one? A Ellen Lewis.

Q Next? A Alice Gardner.

Q Next one? A Cassie Bates.

Q Next one? A Minnie Smith.

Q Any brothers or sisters dead who left children? A Yes, sir.

Q How many - brothers or sisters dead who left children?

A One.

Q What's that brother's or sister's name? A Mary Bates

Q How many children did she leave? A Six, I believe.

Q Are they living? A Yes, sir.

Q What are their names? A John Everette.

Q Next one? A George Everetts.

Q Next one? A Frank Everetts.

Q Next? A Lizzie Everetts.

Q Next? A John Bates

Q Next? A Eugene Bates.

Q She was married twice? A Yes, sir.

Q Are any of your father's brothers or sisters living?

A One of my father's sisters living.

Q What's her name? A Her name's Sarah Bennell.

Q Has she been before the Commission? A No, sir.

Q Where does she live? A She lives in Arkansas.

Q Your father has no other sisters living? A Not that I know

of.

And no brothers? A No, sir; not that I knew of.

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Q Has your father any brothers dead? A Not that I know of.

Q Has he any sisters dead? A He has got one sister; I don't know whether she's dead, or not.

Q What's her name? A Her name is Catherine; I don't know whether she's dead or not.

Q Catherine what? A O'Connor, I believe.

(Reference is hereby made to M. C.R. 5574, Alice Gardner, et al., 5575, Jennie I. Miller, et al., 5580, Nancy Yocum, et al., the applicant in the above cases and this applicant being the descendants of a common ancestor).

(This applicant has the appearance of being a white man and shows no indication of being possessed of Indian blood. He has dark hair, dark eyes and dark complexion. He does not speak or understand the Choctaw language, and has no knowledge of a compliance on the part of any of his ancestors with any of the provisions of article 14 of the treaty of Dancing Rabbit Creek.)

R. S. Streit, having been first duly sworn, upon his oath states that as stenographer to the Commission to the Five Civilized Tribes, he reported in full all proceedings had in the above entitled cause at Muskogee, Indian Territory, on the 25th day of June, 1902, and that the above and foregoing is a full, true and correct translation of his stenographic notes of said proceedings in said cause upon said date.

R. S. Streit
Subscribed and sworn to before me at Muskogee, Indian Territory, this *2nd* day of July, 1902.

C. A. Buckmaster

Commissioner.

Muskogee, Indian Territory, January 5, 1903.

Thomas S. Smith,

Avoca, Oklahoma Territory.

Dear Sir:

You are hereby advised that on the 5th day of January, 1903, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Alice Gardner, et al., embracing the following applications for identification as Mississippi Choctaws:

| | |
|------------------------------|-------------|
| Alice Gardner, et al. | M.C.R. 5574 |
| Samuel R. Hunt, et al. | M.C.R. 4702 |
| William F. Hunt, et al. | M.C.R. 4815 |
| Hesekiah E. Hunt, et al. | M.C.R. 4816 |
| Virginia Jumper, et al. | M.C.R. 4817 |
| John W. Jumper, et al. | M.C.R. 4818 |
| Jennie I. Miller | M.C.R. 5573 |
| Cassie Bates, et al. | M.C.R. 5576 |
| Minnie Smith | M.C.R. 5577 |
| John M. Smith | M.C.P. 5578 |
| James C. Smith | M.C.P. 5579 |
| Nancy Yocum, et al. | M.C.P. 5580 |
| Philip Jumper, et al. | M.C.R. 5593 |
| William C. Partick, et al. | M.C.R. 5871 |
| Tandy L. Caver | M.C.P. 5572 |
| Thomas S. Smith, et al. | M.C.R. 5882 |
| John E. Everett, et al. | M.C.R. 5883 |
| Ella Lewis, et al. | M.C.R. 5884 |
| Willie Drewry | M.C.R. 5885 |
| Charles J. Smith | M.C.R. 5886 |
| Mary Jones, et al. | M.C.R. 5898 |
| Will Yocum | M.C.R. 5899 |
| John Yocum | M.C.R. 5900 |
| William V. Partick | M.C.R. 6069 |
| Jefferson D. Partick, et al. | M.C.R. 6070 |

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| | |
|--------------------------|-------------|
| Frank M. Purtick, et al. | M.C.R. 6071 |
| Callie Dearing, et al. | M.C.R. 6072 |
| Eliza Michael, et al. | M.C.R. 6073 |
| William A. Jumper | M.C.R. 6074 |
| George A. Jumper, et al. | M.C.R. 6075 |
| James A. Yates, et al. | M.C.R. 6076 |
| Bill E. Yates, et al. | M.C.R. 6077 |
| Frank Jumper | M.C.R. 5387 |
| George Jumper, et al. | M.C.R. 6236 |
| Moses Jumper | M.C.R. 6387 |
| Bettie Cheves, et al. | M.C.R. 6380 |
| George A. Everett | M.C.R. 6321 |

These applications were made under the provision of the act of Congress of June 28, 1898 (30 Stats., 495), which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto and make report to the Secretary of the Interior."

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Alice Gardner, E. J. Gardner, Jettie Gardner, Albert Gardner, Charles F. Gardner, Samuel H. Hunt, Oliver R. Hunt, Henry D. Hunt, Eddie F. Hunt, Lelia E. Hunt, Samuel D. Hunt, Susan F. Hunt, Jessie Hunt, William F. Hunt, Boyd E. Hunt, Hosekiah D. Hunt, Josephine Hunt, Eliza V. Hunt, Minnie F. Hunt, Eva E. Hunt, Virginia Jumper, Sam Jumper, John W. Jumper, Annie F. Jumper, Dag Jumper, Hattie E. Jumper, Dixon F. Jumper, James Levi Jumper, Jennie I. Miller, Cassie Bates, Archie Patton, Hester Patton, Bessie Bates, Alice Bates, Johnnie Bates, Eugene Bates, Minnie Smith, John M. Smith, James G. Smith, Nancy Yocum, Minnie Yocum, Clinton Yocum, Clifton Yocum, Pearlle Yocum, Ola Yocum, Philip Jumper, Katie Jumper, Mark Jumper, Marvin Jumper, William C. Purtick, Clara Purtick,

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Sallie Furtick, Pet Furtick, Ruth Furtick, Tandy L. Caver, Thomas S. Smith, Charlotte Smith, Nona Smith, John E. Everett, Sherman L. Everett, Frank C. Everett, Ella Lewis, Orra Lewis, Edwin C. Lewis, Altie P. Lewis, Irvin A. Lewis, Willie Henry, Charles J. Smith, Mary Jones, Gussie Jones, Gracie Jones, Will Yocom, John Yocom, William W. Furtick, Jefferson D. Furtick, Jeffie Furtick, Emma L. Furtick, Eugenia Furtick, Frank M. Furtick, Frankie Furtick, Alice Furtick, Louis Furtick, Sallie Dearing, Mary Dearing, Jim Dearing, Alexander E. Dearing, Eliza Michael, Andrew Carpenter, James Carpenter, Ollie Carpenter, Dollie Lee Carpenter, Lula Michael, William A. Jumper, George A. Jumper, Pink Jumper, Ed Jumper, Minnie Jumper, Arthur Jumper, Sam Jumper, James A. Yates, Lonnie Yates, Mattie Frances Yates, Bill E. Yates, Frank Jumper, George Jumper, Ned Jumper, Ben Jumper, Dan Jumper, Harvey Jumper, Moses Jumper, Mattie Cheves, Mary Cheves, Hamilton Cheves, Lewis Cheves, Freddie Cheves, Johnnie Cheves and George A. Everett as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the applications for their identification as such should be refused, and it is so ordered.

You are further advised that you will be allowed fifteen days from the date hereof within which to file arguments in this office, and that at the expiration of said time the papers in the case, together with such arguments will be forwarded to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

Samuel D. Doby.

Acting Chairman.

Registered,

M.C.R. 5882.

Muskogee, Indian Territory, September 26, 1906.

Thomas S. Smith,
Maud, Oklahoma.

Dear Sir:

Replying to your letter of the 18th instant, you are advised that the Chief Clerk of the Chickasaw Land Office at Ardmore, Indian Territory, has this day been directed to permit you to designate, in person or by petition, the lands upon which you and your minor children who are Mississippi Choctaw applicants are the owners of improvements, and which you anticipate selecting as your allotments in the event you are finally identified as Mississippi Choctaws.

Respectfully,

Commissioner.

WCR-5882

Muskogee, Indian Territory, October 1, 1906.

Thomas S. Smith,

Sulphur, Indian Territory.

Dear Sir:-

Replying to your letter of the 25th instant you are advised that the Choctaw and Chickasaw Land Office were, on September 26, 1906, directed to permit any or all of the applicants in the consolidated Mississippi Choctaw case of Alice Gardner et al. to designate lands upon which they are the actual owners of improvements and which they anticipate selecting in allotment in the event they are finally identified as Mississippi Choctaws.

Respectfully,

Commissioner.

MCR-5682

Muskogee, Indian Territory, February 28, 1907.

Thomas S. Smith,
Maud, Oklahoma.

Dear Sir:-

You are hereby notified that the Secretary of the Interior, on February 15, 1907, affirmed the decision of the Commission to the Five Civilized Tribes of January 5, 1903, refusing to identify, as Mississippi Choctaws, the several applicants in the consolidated case of Alice Gardner et al.

Respectfully,

Commissioner.

For Identification as a Mississippi Choctaw.

Date

Name *Thomas S Smith*

Age *28* Blood *don't know*

Post-Office. *Avoca Okla*

Father. *Charles C Smith d*

Mother. *Elizabeth " L*

Claims through father

wife *Hattie Smith L*
no claim for wife.

Children:

Charlotte Smith 7
Noña " 4

For self and 2 children

Stenographer

R. S. Street

Choctaw MCR 5883

John E. Everett

See MCR 5574

MCR 5883

Department of the Interior,
Commission to the Five Civilized Tribes,
Washoe, I.T., June 26, 1903.

#3283.

In the matter of the application of John E. Everett for the identification of himself, his minor child, Sherman L. Everett, and his minor brother, Frank G. Everett, as Mississippi Choctaws.

Thomas & Harrison, Attorneys for applicants.

John E. Everett, being first duly sworn, testifies as follows:

Examination by the Commission.

- Q What is your name? A John E. Everett.
Q What is your age? A Twenty-five.
Q What is your post office address? A Avoca, Oklahoma.
Q How long have you lived at Avoca? A Two years.
Q Where did you live before that? A Principally in the Territory.
Q Where in the Territory? A Near Fort Smith.
Q Is Fort Smith not in Arkansas? A Yes sir, but I was in the Territory this side.
Q Where were you born? A In Missouri.
Q Where in Missouri? A Jefferson County.
Q How long did you live in Missouri? A I believe I was eight years old when I left.
Q From there you went where? A To the Territory.
Q Is your father living? A No sir.
Q Is your mother living? A No sir.
Q What was your father's name? A Thomas Everett.
Q What was your mother's name? A Mary Everett.
Q Through which parent do you claim Choctaw blood? A Through my mother.
Q How much Choctaw blood do you claim? A I don't know.
Q Has your mother ever been recognized in any way or enrolled as a member of the Choctaw tribe of Indians by the Choctaw tribal authorities or the United States authorities in the Indian Territory? A Not that I know of.
Q Are you married? A Yes sir.
Q What is your wife's name? A Effie Everett.
Q Is she living? A Yes sir.
Q White woman or Indian? A White woman.
Q You make no claim for her? A No sir.

- Q Have you any children you want to make application for? A One.
- Q What is the name of that child? A Sherman L. Everett.
- Q How old is Sherman? A Four months old.
- Q That is all is it? A Yes sir, I have a brother under age.
- Q Where is your brother? A With me.
- Q How long have you had him with you at your home? A He has been there some little time, most all the time.
- Q How long since his father and mother died? A About four years since his mother died.
- Q Have you had full charge and control of him for four years at your home? A Yes sir, I have had full control of him.
- Q He is your full brother? A Yes sir.
- Q And he has no nearer relative than yourself? A No sir.
- Q He is now living with you at your home? A Yes sir, I have an older brother, but he is with me.
- Q He is the only one you have charge of? A Yes sir.
- Q Are the other under age? A No sir.
- Q But this one is under age? A Yes sir.
- Q How old is this brother? A Twenty.
- Q What is his name? A Frank G. Everett.
- Q He is living with you at Avoca, Oklahoma Territory, is he not? A Yes sir.
- Q He is not married? A No sir.
- Q He claims through your father and mother, being the same father and mother, Thomas Everett and Mary Everett? A Yes sir.
- Q What is the name of your other brother whom you say is of age? A George Everett.
- Q How old is he? A Twenty-two.
- Q Is he married? A No sir.
- Q Where does he live? A In Arkansas, Polk County.
- Q Have you a sister; what is the name of your sister? A Lissie Perry.
- Q What is the name of her husband? A Bill Perry. Q How old is she? A Eighteen.
- Q Where does she live? A In Polk County.
- Q Are there any other members of your father's family whose names you have not given who intend to come before the Commission? A Two half brothers, but they have been before the Commission.
- Q Is your wife Effie, the mother of Sherman L. Everett? A Yes sir.
- Q Was your wife ever married before she married you? A No sir.
- Q Were you ever married before you married her? A No sir.
- Q Are you and she living together as husband and wife and this boy living with you? A Yes sir.
- Q Have you the proof of your marriage to your wife, Effie, with you? A Yes sir (Presents a paper).
- Q This is the original license? A Yes sir.

The marriage license No. 478 of the marriage of John E. Everett and Effie L. Bates presented by the applicant received, filed, marked "Exhibit A" and made a part of the record in this case.

- Q Is your name on any of the tribal rolls of the Choctaw Nation in the Indian Territory? A No sir.
- Q Is the name of Frank G. Everett, your brother? A No sir.

- 3-
- Q Have you ever made application for yourself, or has anyone ever made application for Frank C. Everett, your brother, for citizenship in the Choctaw Nation to the Choctaw tribal authorities in the Indian Territory? A No sir.
- Q Has anybody ever made application for your brother, Frank C. Everett, or have you ever made application for citizenship in the Choctaw Nation to the Dawes Commission under the act of Congress of June, 10, 1896? A No sir.
- Q Have you or your brother, Frank C. Everett, ever been admitted to citizenship in the Choctaw Nation by either the Choctaw tribal authorities, the Commission to the Five Civilized Tribes or the United States Court in the Indian Territory? A No sir.
- Q Is this the first application that you have ever made of any kind for yourself and is this the first application that has ever been made for your brother, Frank C. Everett, for citizenship in the Choctaw Nation, either to the Choctaw tribal authorities or the United States authorities in the Indian Territory? A Yes sir.
- Q Do you now come before the Commission to identify yourself, your son, Sherman L. Everett, and your brother, Frank C. Everett, as ~~the~~ Mississippi Choctaws? A I do.
- Q Do you claim under article fourteen of the treaty of 1830? A Yes sir.
- Q You understand that article? A Yes sir.
- Q You do not care to have it explained then? A Well, I don't understand part of it, all of it, I can go as far as I know without having it explained.

The treaty of 1830 was a treaty made between the United States government and the Choctaw Indians at a place in Mississippi called Dancing Rabbit Creek on the 27th day of September of that year. The object of the treaty was to remove as far as practicable all of the Choctaw Indians who lived in the old Choctaw Nation east of the Mississippi river to the Choctaw Nation, Indian Territory. Before the treaty was signed it became known that a good many Choctaw Indians would not go to the Choctaw Nation, Indian Territory with the other Indians under the treaty, and in order to protect the interests of those Indians who stayed back in the old Choctaw Nation article fourteen was drafted and put into the treaty of 1830. That article is as follows:

"ARTICLE XIV. Each Choctaw head of a family being desirous to remain and become a citizen of the states shall be permitted to do so by signifying his intention to the Agent within six months from the ratification of this treaty, and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land, to be bounded by sectional lines of survey; in like manner shall be entitled to one half that quantity for each unmarried child which is living with him over ten years of age, and a quarter section to such child as may be under ten years of age, to adjoin the location of the parent. If they reside upon said lands intending to become citizens of the states for five years after the ratification of this treaty, in that case a grant in fee simple shall issue; said reservation shall include the present improvement of the head of the family, or a portion of it. Persons who claim under this article shall not lose the privilege of a Choctaw citizen, but if they ever remove are not entitled to any portion of the Choctaw annuity."

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- Q You think you understand that do you? A Yes sir.
- Q Do you know whether any of your Choctaw ancestors ever complied or attempted to comply with the 14th article of the treaty of 1830? A I don't know.
- Q What is the name of your ancestor through whom you claim your right to be identified as a Mississippi Choctaw? A Mary Everett.
- Q That is your mother? A Yes sir.
- Q I mean now for you to go back as far as you can and give me the name of your ancestor who lived in Mississippi or Alabama in the old Choctaw Nation in 1830 and was the head of a family there then? A I don't know that I can do that.
- Q Can you give me the name of your ancestor who lived in Mississippi or Alabama? Q No sir, I don't know that I can.
- Q Can you give me the name of your ancestors more remote than your mother? A Charles C. Smith, my grandfather.
- Q Was that your mother's father? A Yes sir.
- Q How much Choctaw blood did he have? A I don't know.
- Q Do you know whether he claimed through his father or mother? A Through his mother? Q
- Q What was her name? A Sallie Smith.
- Q Do you know what her maiden name was? A No sir, I don't remember her maiden name.
- Q Do you know whether she claimed through her father or mother? A I don't know.
- Q Do you know the name of her father or mother? A No sir.
- Q Do you know the name of her husband? A Jack Smith.
- Q So you can only go back to Sallie Smith, who was the mother of Charles C. Smith, who was the father of your mother, Mary? A Yes sir.
- Q Did you ever hear of an ancestor by the name of Kask Che-ka-ohyou? A I have heard talk about it, but I was so young I don't know nothing about it.
- Q You have given now all the information you possibly can as to your ancestors? A Yes sir.
- Q You don't know how much Choctaw blood your great grandmother, Sallie Smith, had? A No sir.
- Q Can you give me the name of any ancestor who lived in the old Choctaw Nation either in Mississippi or Alabama in the year 1830 and who was the head of a family there then? A No sir.
- Q If you ever had any such ancestor you are not able to state that now? A No sir.
- Q Did any of your Choctaw ancestors own any land or claim any land in Mississippi or Alabama in the old Choctaw Nation under article fourteen of the treaty of 1830? A Not that I remember.
- Q Did any of your Choctaw ancestors own any improvements on land in the old Choctaw Nation either in Mississippi or Alabama in 1830? A Not that I know of.
- Q Did any of them within six months after the ratification of the treaty of 1830 go to the United States Indian Agent, Colonel Ward, and tell him that they wanted to stay in Mississippi, take land here, and become citizens of the states? A Not that I know of.

- Q Did any of them go from that old Choctaw Nation east of the Mississippi river to the Choctaw Nation, Indian Territory, with the other Indians between 1833 and 1838 or 1840? A Not that I know of.

The members of the old Choctaw Nation who stayed back there in that old Choctaw Nation east of the Mississippi river after the treaty of 1830 was ratified were required if they wanted to take advantage of article 14 of the treaty of 1830, to go to the United States Indian Agent, Colonel Ward, within six months after the ratification of the treaty of 1830, and tell him that they wanted to stay in Mississippi, take land there and become citizens of the states. A great many Choctaw Indians did this whose names Colonel Ward neglected to put upon his list known as Ward's Register. Because Colonel Ward neglected to make the proper registration of the names of these Indians who complied with article fourteen of the treaty of 1830, or attempted to comply with it, a good many Indians who had land in the old Choctaw Nation upon which they had improvements had their land and improvements taken from them by the government and sold at its public land sales. This caused so many complaints among the Indians that in 1837 by an act of Congress approved March 3rd of that year a Commission was appointed, which went to Mississippi and heard claimants under article fourteen of the treaty of 1830. In 1842 another Commission was appointed by Congress under an act of Congress approved August 23rd of that year, and this Commission also went to Mississippi and heard claimants under article fourteen of the treaty of 1830.

- Q Can you state if any of your Choctaw ancestors went before either the Commission of 1837 or the Commission of 1842, and claimed any benefits under article fourteen of the treaty of 1830, or proved their claim or attempted to prove their claim under that article? A Not that I know of.
- Q Did any of them receive any script from the government which was issued under an act of Congress approved August 23rd 1842, and was given to those Indians who proved not only that they had complied with article fourteen of the treaty of 1830, but also proved that their land which they held in the old Choctaw Nation was taken from them by the government and sold? A Not that I know of.
- Q Have you any relatives who have been before the Commission and made application to be identified as a Mississippi Choctaw, claiming through the same common ancestor through whom you claim? A Yes sir.
- Q What relation is Alice Gardner to you? A My aunt.
- Q Your mother's sister? A Yes sir.
- Q Do you want to have your case and the cases of all other relatives of yours who have appeared here to be identified as Mississippi Choctaws claiming through the same common ancestor consolidated together under one common head? A Yes sir.

The case of Alice Gardner, M. C. R. 5574, is here referred to for the purpose of consolidation.

- Q You know very little of your ancestors? A Yes sir.
- Q You rely upon the testimony of Alice Gardner and others who

-6-

- claim through the same ancestor? A Yes sir.
- Q Do you understand the Choctaw language? A No sir.
- Q Is there anything further you would like to say in support of this claim? A No sir.
- Q Would you like until the first day of July, 1902, in which to introduce any other testimony? A Yes sir.

This applicant is allowed until the first day of July, 1902, for the purpose of introducing other testimony if he desires.

This applicant has the appearance and physical characteristics of being descended from white parentage; blue eyes; dark brown hair; complexion somewhat tanned, originally medium fair; has no knowledge of the Choctaw language, and no knowledge of the compliance on the part of his ancestors with any of the provisions of article fourteen of the treaty of 1830.

W. H. Martin, being first duly sworn on oath states that as stenographer to the Commission to the Five Civilized Tribes he recorded in full the above proceedings on the 26th day of June, 1902, and that the within and foregoing is a full, true and correct transcript of his stenographic notes in the same.

W. H. Martin

Subscribed and sworn to before me this 26th day of June, 1902.

Wm. H. Woodward
Notary Public.

Muskogee, Indian Territory, January 6, 1903.

John E. Everett,

Avoca, Oklahoma Territory.

Dear Sir:

You are hereby advised that on the 5th day of January, 1903, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Alice Gardner, et al., embracing the following applications for identification as Mississippi Choctaws:

| | |
|------------------------------|-------------|
| Alice Gardner, et al. | M.C.R. 5574 |
| Samuel H. Hunt, et al. | M.C.R. 4702 |
| William F. Hunt, et al. | M.C.R. 4813 |
| Hesekiah E. Hunt, et al. | M.C.R. 4816 |
| Virginia Jumper, et al. | M.C.R. 4817 |
| John W. Jumper, et al. | M.C.R. 4818 |
| Jennie I. Miller | M.C.R. 5575 |
| Cassie Bates, et al. | M.C.R. 5576 |
| Minnie Smith | M.C.R. 5577 |
| John M. Smith | M.C.R. 5578 |
| James G. Smith | M.C.R. 5579 |
| Nancy Yocum, et al. | M.C.R. 5580 |
| Philip Jumper, et al. | M.C.R. 5593 |
| William C. Furtick, et al. | M.C.R. 5871 |
| Tandy L. Caver | M.C.R. 5872 |
| Thomas S. Smith, et al. | M.C.R. 5882 |
| John E. Everett, et al. | M.C.R. 5883 |
| Ella Lewis, et al. | M.C.R. 5884 |
| Willie Drowry | M.C.R. 5885 |
| Charles J. Smith | M.C.R. 5886 |
| Mary Jones, et al. | M.C.R. 5898 |
| Will Yocum | M.C.R. 5899 |
| John Yocum | M.C.R. 5900 |
| William W. Furtick | M.C.R. 6069 |
| Jefferson D. Furtick, et al. | M.C.R. 6070 |

| | |
|--------------------------|-------------|
| Frank M. Furtick, et al. | M.C.R. 6071 |
| Sallie Dearing, et al. | M.C.R. 6072 |
| Eliza Michael, et al. | M.C.R. 6073 |
| William A. Jumper | M.C.R. 6074 |
| George A. Jumper, et al. | M.C.R. 6075 |
| James A. Yates, et al. | M.C.R. 6076 |
| Bill E. Yates, et al. | M.C.R. 6077 |
| Frank Jumper | M.C.R. 5587 |
| George Jumper, et al. | M.C.R. 6236 |
| Moses Jumper | M.C.R. 6237 |
| Bettie Cheves, et al. | M.C.R. 6320 |
| George A. Everett | M.C.R. 6321 |

These applications were made under the provision of the act of Congress of June 28, 1898 (30 Stat., 495), which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto and make report to the Secretary of the Interior."

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Alice Gardner, E. J. Gardner, Jimmie Gardner, Albert Gardner, Charles P. Gardner, Samuel H. Hunt, Oliver R. Hunt, Henry D. Hunt, Eddie F. Hunt, Lelia E. Hunt, Samuel D. Hunt, Susan F. Hunt, Jessie Hunt, William F. Hunt, Boyd E. Hunt, Heseekiah B. Hunt, Josephine Hunt, Eliza V. Hunt, Minnie F. Hunt, Eva E. Hunt, Virginia Jumper, Sam Jumper, John W. Jumper, Annie F. Jumper, Dug Jumper, Hattie B. Jumper, Dixon F. Jumper, James Levi Jumper, Jennie I. Miller, Cassie Bates, Archie Patton, Roster Patton, Bessie Bates, Alice Bates, Johnnie Bates, Eugene Bates, Minnie Smith, John M. Smith, James G. Smith, Nancy Yocum, Minnie Yocum, Clinton Yocum, Clifton Yocum, Pearlle Yocum, Ola Yocum, Philip Jumper, Katie Jumper, Mark

John E. Everett,—3

Jumper, Marvin Jumper, William C. Furtick, Clara Furtick, Sallie Furtick, Pet Furtick, Ruth Furtick, Tandy L. Caver, Thomas S. Smith, Charlotte Smith, Nona Smith, John E. Everett, Sherman L. Everett, Frank C. Everett, Ella Lewis, Orra Lewis, Edwin C. Lewis, Altie P. Lewis, Irvin A. Lewis, Willie Drewry, Charles J. Smith, Mary Jones, Gussie Jones, Gracie Jones, Will Yocom, John Yocom, William W. Furtick, Jefferson D. Furtick, Jeffie Furtick, Emma L. Furtick, Eugenia Furtick, Frank M. Furtick, Frankie Furtick, Alice Furtick, Louis Furtick, Sallie Dearing, Mary Dearing, Jim Dearing, Alexander B. Dearing, Eliza Michael, Andrew Carpenter, James Carpenter, Ollie Carpenter, Dollie Lee Carpenter, Lula Michael, William A. Jumper, George A. Jumper, Pink Jumper, Ed Jumper, Minnie Jumper, Arthur Jumper, Sam Jumper, James A. Yates, Lonnie Yates, Hattie Frances Yates, Bill E. Yates, Frank Jumper, George Jumper, Ned Jumper, Ben Jumper, Dan Jumper, Harvey Jumper, Moses Jumper, Bettie Cheves, Mary Cheves, Hamilton Cheves, Lewis Cheves, Freddie Cheves, Johnnie Cheves and George A. Everett as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the applications for their identification as such should be refused, and it is so ordered."

You are further advised that you will be allowed fifteen days from the date hereof within which to file arguments in this office, and that at the expiration of said time the papers in the case, together with such arguments will be forwarded to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

James L. Luby

Acting Chairman.

Registered.

MCR-5983

Muskogee, Indian Territory, October 15, 1906.

John E. Everett,

Avoca, Oklahoma.

Dear Sir:

Replying to your letter of the first instant you are advised that the Chief Clerk of the Choctaw Land Office and the Chief Clerk of the Chickasaw Land Office have heretofore been instructed to permit any or all of the applicants in the consolidated Mississippi Choctaw case of Aline Gardner et al. to designate in person or by petition the lands upon which they are the actual owners of improvements and which they anticipate selecting in allotment in the event they are finally identified as Mississippi Choctaws.

Respectfully,

Commissioner.

MCR-5383

Muskogee, Indian Territory, February 26, 1907.

John E. Everett,
Asher, Oklahoma.

Dear Sir:-

You are hereby notified that the Secretary of the Interior, on February 15, 1907, affirmed the decision of the Commission to the Five Civilized Tribes of January 5, 1903, refusing to identify, as Mississippi Choctaws, the several applicants in the consolidated case of Alice Gardner et al.

Respectfully,

Commissioner.

For Identification as a Mississippi Choctaw.

Date JUN 20 1890

Name John E. Everett,

Age 25 Blood don't know.

Post-Office, Avoca, Okla Ter.

Father: Thomas Everett. d

Mother: Mary " d

Claims through mother

~~wife~~ Effie E. Everett, L. w.

No claim for wife -

Children: - Son -Sherman L. Everett, 4 m

Brother -

Frank C. Everett, - 20

Claims for self
son, & brother,

Stenographer H. H. Martin.

Choctaw MCR 5884

Ella Lewis

See MCR 5574

MCR 5884

Department of the Interior,
Commission to the Five Civilized Tribes.
Muskogee, I. T., June 28, 1902.

75824.

In the matter of the application of Ella Lewis for the identification of herself and her four minor children, Orta, Edwin G., Attie P., and Irvin A. Lewis as Mississippi Choctaws.

Thomas A. Harrison, Attorneys for applicants.

Ella Lewis being first duly sworn testifies as follows:

Examination by the Commission.

- Q What is your name? A Ella Lewis.
Q What is your age? A Thirty-four.
Q What is your post office address? A Halseyville, I. T.
Q How long have you lived at Halseyville? A Been there two years.
Q Where did you live before that? A I lived in Arkansas and the Indian Territory.
Q Where were you born? A In St. Louis County, Missouri.
Q How long did you live in Missouri before you moved from that state? A Fourteen years.
Q And then you went to Arkansas? A Yes sir.
Q And from there to the Indian Territory? A Yes sir.
Q You have lived in the Indian Territory now two years, where did you live before that? A In Oklahoma.
Q How long in Oklahoma? A About five years.
Q Is your father living? A No sir.
Q Is your mother living? A Yes sir.
Q What was your father's name? A Charles S. Smith.
Q What is your mother's name? A Elizabeth Smith.
Q Through which parent do you claim Choctaw blood? A Father.
Q How much Choctaw blood do you claim? A I don't know.
Q Has your father ever been recognized as a Choctaw Indian or enrolled as a member of the Choctaw tribe of Indians in the Indian Territory by the Choctaw tribal authorities or the United States authorities in the Indian Territory? A Not that I know of.
Q Are you married? A Yes sir.
Q Do you know when and where your father and mother were married? A In Hart Smith, Arkansas.
Q Do you remember the day of the month and year? A No sir I don't.
Q Were they married by a minister under a license? A Yes sir.
Q Have you the proof of that marriage with you now? A No sir, it has been presented here in the case of Alice Gardner.

Q Do you want to refer to it in that case? A Yes sir.

The case of Alice Gardner, et al., H. C. R. 5574, is here referred to for the purpose of consolidation of these cases claiming under the same common ancestor.

Q What is your husband's name? A W. J. Lewis.
Q Is he living? A Yes sir.
Q Is he a white man or Choctaw? A White man.
Q Do you make any claim for your husband? A No sir.
Q Have you any children? A Five, four single and one married.
Q Give me the name of the oldest child under twentyone and unmarried? A Orra Lewis, a boy with a girl's name.
Q How old is Orra? A Fifteen.
Q What is the name of the next child? A Edwin C. Lewis.
Q How old is Edwin? A Fourteen.
Q The next? A Altie P. Lewis.
Q Is that a boy? A No sir, girl.
Q How old is she? A Eleven.
Q What is the name of the next? A Irvin A. Lewis.
Q That is a boy? A Yes sir., he is nine years old.
Q Is that all? A Yes sir.
Q You claim for yourself and these four children? A Yes sir.
Q What is the name of your child that is married? A Willie Brewry.
Q Is that a boy? A No sir, a girl.
Q Where does she live now? A She lives at Craig, Indian Territory.
Q What is the name of her husband? A J. H. Brewry.
Q Is W. J. Lewis the father of these children? A Yes sir.
Q Are you and your husband living together and these children living with you at your home? A Yes sir.
Q Were either you or your husband married before you married each other? A No sir.
Q Is your name or the name of any of these children on any of the tribal rolls of the Choctaw Nation in the Indian Territory? A Not that I know of.
Q Have you ever made application for citizenship in the Choctaw Nation to the Choctaw tribal authorities in the Indian Territory? A No sir.
Q Have you ever made application for citizenship in the Choctaw Nation to the Commission to the Five Civilized Tribes under the act of Congress of June 10, 1896? A No sir.
Q Have you ever been admitted to citizenship in the Choctaw Nation with your children by either the Choctaw tribal authorities, the Commission to the Five Civilized Tribes or the United States Court in the Indian Territory? A No sir.
Q Is this the first application you have ever made for the enrollment of your self and children as citizens of the Choctaw Nation to either the Choctaw tribal authorities or the United States authorities in the Indian Territory? A Yes sir.
Q Do you now come before the Commission to be identified and to identify these four minor children as Mississippi Choctaws? A Yes sir.
Q Do you claim under article fourteen of the treaty of 1830? A Yes sir.
Q Do you understand that article of that treaty? A No sir, I don't understand much of it.

The treaty of 1830 was a treaty made between the United States government and the Choctaw Indians at a place in Mississippi called Dancing Rabbit Creek on the 27th day of September 1830. The object of the treaty was to remove all the Choctaw Indians from that old Choctaw Nation east of the Mississippi river to the Choctaw Nation, Indian Territory. Before the treaty was signed it became known that a great many of the Choctaw Indians would refuse to go to the Choctaw Nation, Indian Territory, and in order to protect the interests of those Indians who preferred to stay in the old Choctaw Nation article fourteen was put into the treaty of 1830. It reads as follows:

"ARTICLE XIV. Each Choctaw head of a family being desirous to remain and become a citizen of the states shall be permitted to do so, by signifying his intention to the Agent within six months from the ratification of this treaty and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land, to be bounded by sectional lines of survey; in like manner shall be entitled to one half that quantity for each unmarried child which is living with him over ten years of age, and a quarter section to each child as may be under ten years of age, to adjoin the location of the parent. If they reside upon said lands intending to become citizens of the states for five years after the ratification of the treaty in that case a grant in fee simple shall issue; said reservation shall include the present improvement of the head of the family or a portion of it. Persons who claim under this article shall not lose the privilege of a Choctaw citizen, but if they ever remove are not entitled to any portion of the Choctaw annuity."

- Q Do you know if any of your Choctaw ancestors complied or attempted to comply in any way with the provisions of that article of that treaty? A No, I just can't explain it; I guess my grandfather did.
- Q What was his name? A Jack Smith.
- Q What do you guess about Jack Smith, what did he do to comply with that article? A It was my great grandfather.
- Q What was his name? A My grandfather would be named Jack Smith, and then through his wife, Sallie Smith, and her father would be my great grandfather.
- Q You claim through Charles O. Smith? A Yes sir.
- Q What was the name of Charles O. Smith's mother? A Yes sir, Sallie Smith.
- Q Did she have Choctaw blood? A Yes sir.
- Q Do you know how much Choctaw blood Sallie Smith had? A No sir.
- Q Did she get her Choctaw blood through her father or mother? A Father.
- Q What was her father's name? A Chi-ka-cho.
- Q That is the Choctaw Indian name? A Yes sir.
- Q Did he live in Mississippi in the old Choctaw Nation or in Alabama in 1830? A In Mississippi, we were taught.
- Q In Mississippi or Alabama? A Mississippi.
- Q Did he have a family of children living there at that time, or in other words was he the head of a family there then? A Yes sir, we were taught that he had.
- Q Did I understand you to say that Chi-ka-cho was the father of Sallie Smith? A Yes sir.
- Q How much Choctaw blood did Chi-ka-cho have? A Were he not a full blood.

- Q I don't know? A I don't know either.
- Q How do you know that he lived in Mississippi in 1830 and had a family there then? A We were taught that.
- Q By family history? A Yes sir.
- Q Did he or any of your Choctaw ancestors own any land or claim any land in the old Choctaw Nation in Mississippi or Alabama under article fourteen of the treaty of 1830? A We were taught that he owned land in Mississippi in Section 16 Township 26, Range 5, and by some cause he was dispossessed of it.
- Q You heard that he owned this land in Mississippi and for some reason he was dispossessed? A Yes sir.
- Q And that description you have given is the description you have heard in the family? A Yes sir.
- Q Do you know whether the name of this ancestor of yours, Chi-ka-chyo, appears upon any register made by George W. Martin? A I don't know, I think it does though, by it being in two places, one is spelled different, but then both being located in the same section I think it is.

The record in possession of the Commission shows that on page 80 of Vol. 1 of the Choctaw Nation vs United States the list of George W. Martin, known as "Martin's Register of Claims" under the 14th article of the treaty of Dancing Rabbit Creek, appears the name of one Che-ka-chyo having land described as Section 16, Township 26, Range 5 W., and showing that said land was assigned to one Jno. B. Davis.

- Q What evidence have you that that is your ancestor? A We have always been taught that.
- Q But you never heard what became of that land? You say it was taken from them? A Yes sir.
- Q It would seem from that record that that land was assigned to a man named Jno. B. Davis, do you know anything about that? A No sir.
- Q What proof have you to offer to the Commission at this time that your ancestor is the same man whose name appears there in that book, in Martin's register? A We have just been taught that from family record.
- Q From family history and tradition? (No response)
- Q Do you say it was family history and tradition? A I say from family records.
- Q Answer my question please? A I don't understand it.
- Q Family history is that which comes down in the family from one to another in the family, and that is the way this has come down to you is it? A Yes sir.
- Q Did any of your Choctaw ancestors within six months after the ratification of the treaty of 1830 go to the United States in an Agent, Colonel Ward, and tell him that they wanted to stay in Mississippi, take land there and become citizens of the states? A I don't know when it was.
- Q You claim then do you that your ancestor whose name you give as Che-ka-chyo owned land in the old Choctaw Nation in Mississippi under article fourteen of the treaty of 1830? A Yes sir.
- Q Did any of your Choctaw ancestors go from that old Choctaw Nation east of the Mississippi River to the Choctaw Nation, Indian Territory with the other Indians between 1833 and 1837? A I don't know.

Q You never heard that they did? A No sir.

The Choctaw Indians who stayed in the old Choctaw Nation in Mississippi and Alabama after the treaty of 1830 was ratified were required if they wanted to take advantage of article 14 of that treaty to go to Colonel Ward, the United States Indian Agent and tell him that they wanted to stay in Mississippi, take land there and become citizens of the states. They were required to do this within six months after the ratification of the treaty. A great many Choctaw Indians did this whose names Colonel Ward neglected to put upon his list, known as Ward's Register. His failure to do so caused a great many complaints among the Indians who had land in the old Choctaw Nation upon which they had improvements, because their land was taken from them by the government and sold at its public land sales; and because of the complaints of the Indians in 1837 by an act of Congress approved March 3rd of that year a commission was appointed by Congress which went to Mississippi and heard claimants under article fourteen of the treaty of 1830. In 1842 another commission was appointed by Congress for the same purpose under an act approved August 23rd, of that year, which commission also went to Mississippi and heard claimants under article fourteen of that treaty.

Q Did any of your Choctaw ancestors go before either of these two Commissions and claim any benefits as Choctaw Indians? A I don't know.

Q Did any of them ever receive any script from the government which entitled them to select land either in Mississippi, Alabama, Louisiana or Arkansas? A I do not know.

This script was issued under an act of Congress approved August 23rd, 1842, and was given to those Choctaw Indians who not only proved that they had rights under article fourteen of the treaty of 1830, but also proved that their land had been taken from them by the government and sold.

Q What relation are you to Alice Gardner? A Own sister.

Q Do you want to have her case and yours consolidated together with all other relatives of yours who claim through the same common ancestor? A Yes sir.

The case of Alice Gardner, U. S. R. 5574, is here referred to for the purpose of consolidation.

Q Do you understand or speak the Choctaw language? A No sir.

15 days time is allowed this applicant in which to introduce other evidence in support of her application if she desires.

This applicant has the appearance and physical characteristics of being descended from white parentage; brown hair; blue eyes, medium fair complexion; does not understand or speak the Choctaw language, and claims that an ancestor of hers named Chi-ka-chye complied with article 14 of the treaty

of 1830, or attempted to. This knowledge and information is based upon family history and tradition and the records of the family, which records have not yet been produced.

W. H. Martin being first duly sworn on oath states that as stenographer to the Commission to the Five Civilized Tribes he recorded in full the above proceedings on the 26th day of June, 1902, and that the within and foregoing is a full, true and correct transcript of his stenographic notes in the same.

W. H. Martin

Subscribed and sworn to before me this the 15 day of July, 1902.

Guy L. Emerson
Notary Public.

Muskogee, Indian Territory, January 5, 1903.

Ella Lewis,

Haileyville, Indian Territory.

Dear Madam:

You are hereby advised that on the 5th day of January, 1903, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Alice Gardner, et al., embracing the following applications for identification as Mississippi Choctaws:

| | |
|------------------------------|-------------|
| Alice Gardner, et al. | M.C.R. 5574 |
| Samuel H. Hunt, et al. | M.C.R. 4702 |
| William F. Hunt, et al. | M.C.R. 4815 |
| Hesekiah B. Hunt, et al. | M.C.R. 4816 |
| Virginia Jumper, et al. | M.C.R. 4817 |
| John W. Jumper, et al. | M.C.R. 4818 |
| Jennie I. Miller | M.C.R. 5575 |
| Cassie Bates, et al. | M.C.R. 5576 |
| Minnie Smith | M.C.R. 5577 |
| John M. Smith | M.C.R. 5578 |
| James C. Smith | M.C.R. 5579 |
| Nancy Yocum, et al. | M.C.R. 5580 |
| Philip Jumper, et al. | M.C.R. 5593 |
| William C. Furtick, et al. | M.C.R. 5871 |
| Tandy L. Caver | M.C.R. 5872 |
| Thomas S. Smith, et al. | M.C.R. 5882 |
| John E. Everett, et al. | M.C.R. 5883 |
| Ella Lewis, et al. | M.C.R. 5884 |
| Willie Drowry | M.C.R. 5885 |
| Charles J. Smith | M.C.R. 5886 |
| Mary Jones, et al. | M.C.R. 5898 |
| Will Yocum | M.C.R. 5899 |
| John Yocum | M.C.R. 5900 |
| William W. Furtick | M.C.R. 6069 |
| Jefferson D. Furtick, et al. | M.C.R. 6070 |

| | |
|--------------------------|-------------|
| Frank M. Furtick, et al. | M.C.R. 6071 |
| Sallie Dearing, et al. | M.C.R. 6072 |
| Eliza Michael, et al. | M.C.R. 6073 |
| William A. Jumper | M.C.R. 6074 |
| George A. Jumper, et al. | M.C.R. 6075 |
| James A. Yates, et al. | M.C.R. 6076 |
| Bill E. Yates, et al. | M.C.R. 6077 |
| Frank Jumper | M.C.R. 5587 |
| George Jumper, et al. | M.C.R. 6236 |
| Moses Jumper, | M.C.R. 6237 |
| Hattie Cheves, et al. | M.C.R. 6330 |
| George A. Everett | M.C.R. 6331 |

These applications were made under the provision of the act of Congress of June 28, 1896 (30 Stats., 495), which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto and make report to the Secretary of the Interior."

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Alice Gardner, E. J. Gardner, Jimmie Gardner, Albert Gardner, Charles F. Gardner, Samuel H. Hunt, Oliver R. Hunt, Henry D. Hunt, Eddie F. Hunt, Lelia E. Hunt, Samuel D. Hunt, Susan F. Hunt, Jessie Hunt, William F. Hunt, Boyd E. Hunt, Rosekiah B. Hunt, Josephine Hunt, Eliza V. Hunt, Minnie F. Hunt, Eva E. Hunt, Virginia Jumper, Sam Jumper, John W. Jumper, Annie F. Jumper, Dug Jumper, Hattie B. Jumper, Dixon F. Jumper, James Levi Jumper, Jennie I. Miller, Cassie Bates, Archie Patton, Hester Patton, Bessie Bates, Alice Bates, Johnnie Bates, Eugene Bates, Minnie Smith, John M. Smith, James C. Smith, Nancy Yocum, Minnie Yocum, Clinton Yocum, Clifton Yocum, Pearlle Yocum, Osa Yocum, Philip Jumper, Katie Jumper, Mark Jumper,

Ella Lewis, —3

Marvin Jumper, William C. Furtick, Clara Furtick, Sallie Furtick, Pet Furtick, Ruth Furtick, Tandy L. Caver, Thomas S. Smith, Charlotte Smith, Nona Smith, John E. Everett, Sherman L. Everett, Frank C. Everett, Ella Lewis, Orta Lewis, Edwin C. Lewis, Altie P. Lewis, Irvin A. Lewis, Willie Drewry, Charles J. Smith, Mary Jones, Gussie Jones, Gracie Jones, Will Yocom, John Yocom, William W. Furtick, Jefferson D. Furtick, Jennie Furtick, Emma L. Furtick, Eugenia Furtick, Frank M. Furtick, Frankie Furtick, Alice Furtick, Louis Furtick, Sallie Dearing, Mary Dearing, Jim Dearing, Alexander B. Dearing, Eliza Michael, Andrew Carpenter, James Carpenter, Ollie Carpenter, Dollie Lee Carpenter, Lula Michael, William A. Jumper, George A. Jumper, Pink Jumper, Ed Jumper, Minnie Jumper, Arthur Jumper, Sam Jumper, James A. Yates, Lonnie Yates, Hattie Frances Yates, Bille E. Yates, Frank Jumper, George Jumper, Ned Jumper, Ben Jumper, Dan Jumper, Harvey Jumper, Moses Jumper, Bettie Cheves, Mary Cheves, Hamilton Cheves, Lewis Cheves, Freddie Cheves, Johnnie Cheves and George A. Everett as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the applications for their identification as such should be refused, and it is so ordered."

You are further advised that you will be allowed fifteen days from the date hereof within which to file arguments in this office, and that at the expiration of said time the papers in the case, together with such arguments will be forwarded to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

Ella Lewis

Registered.

Acting Chairman.

MOR. 4762
MOR. 5576
MOR. 5884.

Muskogee, Indian Territory, January 12, 1907.

H. J. Gardner,
Shawnee, Oklahoma.

Dear Sir:-

Receipt is hereby acknowledged of your letter of December 28, 1906, giving the present post office address of Ella Lewis, Cassie Bates and Samuel H. Hunt, applicants in the consolidated Mississippi Choctaw case of Alice Gardner et al.

A proper record has been made of these addresses.

Respectfully,

Commissioner.

MCR-5884

Muskogee, Indian Territory, February 22, 1907.

Ella Lewis,

Kinta, Indian Territory.

Dear Madam:-

You are hereby notified that the Secretary of the Interior, on February 15, 1907, affirmed the decision of the Commission to the Five Civilized Tribes of January 5, 1903, refusing to identify, as Mississippi Choctaws, the several applicants in the consolidated case of Alice Gardner et al.

Respectfully,

Commissioner.

No. 5884

For Identification as a Mississippi Choctaw.

Date

Name Ella Lewis

Age 34 - Blood Dark Skinned

Post-Office, Waverlyville, I. T.

Father: Charles B. Smith. d

Mother: Elizabeth " b

Claims through father - -
husband

W. J. Lewis, - b. w.

No claim for husband.

Children:

Ora Lewis, M. 15

Edwin C. " 14

Altie P. " F. 11

Irvin A. " M. 9

Claims for self &
4 minors -

Stenographer W. H. Martin.

Choctaw MCR 5885

Willie Drewry

See MCR 5574

MCR 5885

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., June 26, 1902.

pass.

In the matter of the application of Willie Brewry for
identification as a Mississippi Choctaw.

Thomas A. Harrison, Attorneys for Applicant.

Willie Brewry after being first duly sworn testified as follows:

Examination by the Commission.

- Q What is your name? A Willie Brewry.
Q What is your age? A Seventeen.
Q Are you married? A Yes sir.
Q What is your post office address? A Haleyville.
Q Indian Territory? A Yes sir.
Q How long have you lived there? A Two years.
Q Where did you live before that? A Indian Territory.
Q Where in the Indian Territory? A It was Oklahoma.
Q How long did you live in Oklahoma before you went to Haleyville?
A Five years.
Q Where in Oklahoma? What place or County? A Pottawatomie County.
Q Where were you born? A Sebastian County, Arkansas.
Q How long did you live in Arkansas? A Eleven years.
Q From where you went where, to what state or territory? A
A To Oklahoma.
Q Is your father living? Yes sir.
Q Is your mother living? A Yes sir.
Q What is your father's name? A W. J. Lewis.
Q What is your mother's name? A Ella Lewis.
Q Through which parent do you claim your Choctaw blood? A My
mother.
Q How much Choctaw blood do you claim? A I don't know.
Q Has your mother ever been recognized or convicted as a Choctaw
by the Choctaw Council or by the United States
Court in the Indian Territory? A No.
Q How long have you lived in Haleyville? A Two years.

- Q What relation is Alice Gardner to you? A Own aunt.
 Q Your mother's sister? A Yes sir.
 Q Do you want to have her case consolidated with yours, and the cases of all other relatives who claim through the same common ancestor? A Yes sir.

The case of Alice Gardner, et al., M C R 5574, is here referred to for the purpose of consolidation.

- Q Are you married? A Yes sir.
 Q What is your husband's name? A J. H. Drewry.
 Q Is he living? A Yes sir.
 Q Is he a Choctaw Indian or white man? A Choctaw Indian.
 Q Has he been before the Commission to make any application as a Mississippi Choctaw? A He has not got his claim fixed up yet.
 Q You do not know whether he has made application here? A No sir.
 Q Do you want to make application for him now? A No sir.
 Q Is he Choctaw and white mixed? A Yes sir.
 Q Have you any children you want to make application for? A No sir.
 Q You claim for yourself alone? A Yes sir.
 Q Is your name on any of the tribal rolls of the Choctaw Nation in the Indian Territory? A No sir.
 Q Have you ever made application for citizenship in the Choctaw Nation to the Choctaw tribal authorities in the Indian Territory? A No sir.
 Q Have you ever made application for citizenship in the Choctaw Nation to the Commission to the Five Civilized Tribes under the act of Congress of June 10, 1896? A No sir.
 Q Have you ever been admitted to citizenship in the Choctaw Nation by either the Choctaw tribal authorities, the Commission to the Five Civilized Tribes or the United States Court in the Indian Territory? A No sir.
 Q Do you now come before the Commission to be identified as a Mississippi Choctaw? A Yes sir.
 Q Is this the first application of any description you have ever made for enrollment as a citizen of the Choctaw Nation? A Yes sir.
 Q Do you claim under article fourteen of the treaty of 1830? A Yes sir.
 Q Do you know anything about that article of that treaty? A No sir, I do not.

The treaty of 1830 was made between the United States government and the Choctaw Indians at a place in Mississippi called Dancing Rabbit Creek; this treaty was made on the 27th day of September of that year. The object of the treaty was to remove as far as practicable all of the members of the Choctaw tribe from that old Nation east of the Mississippi River to the Choctaw Nation, Indian Territory. Before the treaty was signed it became known that a good many Choctaw Indians would not go to the Choctaw Nation, Indian Territory, and in order to protect the interests of those Indians who stayed back there in the old Nation article 14 was put into the treaty of 1830. That article is as follows:

*ARTICLE XIV. Each Choctaw head of a family being desirous to remain and become citizens of the states shall be

permitted do so so, by signifying his intention to the Agent within six months from the ratification of this treaty, and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land, to be bounded by sectional lines of survey; in like manner shall be entitled to one half that quantity for each unmarried child which is living with him over ten years of age, and a quarter section to such child as may be under ten years of age, to adjoin the location of the parent. If they reside upon said lands intending to become citizens of the states, for five years after the ratification of this treaty, in that case, a grant in fee simple shall issue; said reservation shall include the present improvement of the head of the family or a portion of it. Persons who claim under this article shall not lose the privilege of a Choctaw citizen, but if they ever remove are not entitled to any portion of the Choctaw annuity."

- Q Do you know whether any of your ancestors complied or attempted to comply with any of the provisions of that article? A No sir.
- Q You understand that article now do you not well enough to claim under it? A Yes sir.
- Q What is the name of your ancestor through whom you claim your right to be identified as a Mississippi Choctaw? A Charles C. Smith.
- Q That is your grandfather? A Yes sir.
- Q Through whom did he claim his Choctaw blood, father or mother? A I don't know.
- Q That is as far back as you can go? A Yes sir.
- Q You do not know the name of his mother? A No sir.
- Q Or the name of his father or grandfather? A No sir.
- Q How much Choctaw blood did Charles C. Smith have? A I don't know how much.
- Q You heard your mother testify a few minutes ago did you not? A Yes sir.
- Q Now you heard her give the name of her ancestor, do you remember what she said? A No sir.
- Q Do you remember the name she gave? A Sallie Smith, I believe.
- Q And who was Sallie Smith, how was she related to Charles C. Smith? A His mother.
- Q When I asked you the name of the mother of Charles C. Smith you said you did not know,-- you did not mean that? A No sir I didn't.
- Q What is the name, if you can tell, of the father of Sallie Smith? A Jack Smith I believe.
- Q You do not know? A No sir I don't.
- Q Did any of your Choctaw ancestors own any land or claim any land in the old Choctaw Nation in Mississippi or Alabama under article 14 of the treaty of 1830? A I don't know, I was too young.
- Q Never heard your mother say anything about that in the family? A No sir.
- Q Did any of your Choctaw ancestors own any improvements on land in the old Choctaw Nation in Mississippi or Alabama in 1830? A Not that I know of.
- Q Did any of your Choctaw ancestors within six months after the ratification of the treaty of 1830 go to the United States Indian Agent, Colonel Ward, and tell him that they wanted to

stay in Mississippi, take land there and become citizens of the states? A I don't know.

- Q Did any of them go from that old Choctaw Nation east of the Mississippi river to the Choctaw Nation, Indian Territory, with the other Indians between the years 1833 and 1838 or 1840? A Not that I know of.

The Choctaw Indians who remained in the old Choctaw Nation east of the Mississippi river refusing to go to the Indian Territory with the other Indians under the treaty of 1830 were required if they wanted to take advantage of article fourteen of that treaty, to go to the United States Indian Agent, Colonel Ward, within six months after the ratification of the treaty of 1830, and tell him that they wanted to stay in Mississippi, take land there and become citizens of the states. A great many Choctaw Indians did this whose names Colonel Ward failed to put upon his list known as "Ward's Register". His neglect to do this caused a great many Choctaw Indians who had land in the old Choctaw Nation upon which they had improvements to lose both their land and improvements; both were taken from them by the government and sold. This caused a good many complaints among the Indians, and particularly among those who lost their lands, and Congress appointed a commission in 1837, under an act of Congress approved March 3rd of that year, and also in 1842 Congress appointed another Commission under an act of Congress approved August 23rd of that year, and these commissions went to Mississippi and heard claimants under article 14 of the treaty of 1830, and made lists of their names.

- Q Did any of your Choctaw ancestors go before either of these Commissions and claim any benefits as Choctaw Indians under that article of that treaty? A Not that I know of.
- Q Did any of your Choctaw ancestors receive any script from the government which entitled them to select land in Mississippi, Alabama, Louisiana or Arkansas, to take the place of land which the government had taken from them in Mississippi or Alabama and sold? A I don't know.

This script was issued under an act of Congress approved August 23rd, 1842; and was given to those Choctaw Indians who proved their claim under article fourteen of the treaty of 1830, and also proved that their land had been taken from them by the government and sold.

- Q You did not hear of any of your Choctaw ancestors receiving any such script? A No sir.
- Q You yourself know very little about your ancestors having Choctaw blood or having complied with article fourteen of the treaty of 1830? A No sir, I don't know nothing about it.
- Q You depend rather upon the testimony of other relatives who have been before the Commission to be identified as Mississippi Choctaws who claim through the same common ancestor? A Yes sir.
- Q Do you speak or understand the Choctaw language? A No sir.
- Q Do you want a little further time in which to introduce any further testimony or proof in support of your application? A No sir.

-5-

This applicant has the appearance and physical characteristics of being descended from white parentage; she has dark brown hair; dark brown eyes; medium fair complexion; she does not understand the Choctaw language, and has no knowledge on the part of her ancestors with any of the provisions of article 24 of the treaty of 1830.

W. H. Martin being first duly sworn on oath ~~here~~ states that as stenographer to the Commission to the Five Civilized Tribes he recorded in full the above proceedings on the 26th day of June, 1902, and that the within and foregoing is a full, true and correct transcript of his stenographic notes in the same.

W. H. Martin

Subscribed and sworn to before me this 15th day of July, 1902.

Guy L. V. Emerson
Notary Public.

Muskogee, Indian Territory, January 5, 1908.

Willie Drewry.

Haileyville, Indian Territory.

Dear Madam:

You are hereby advised that on the 5th day of January, 1908, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Alice Gardner, et al., embracing the following applications for identification as Mississippi Choctaws:

| | |
|------------------------------|-------------|
| Alice Gardner, et al. | M.C.R. 5574 |
| Samuel H. Hunt, et al. | M.C.R. 4702 |
| William F. Hunt, et al. | M.C.R. 4815 |
| Hesekiah B. Hunt, et al. | M.C.R. 4816 |
| Virginia Jumper, et al. | M.C.R. 4817 |
| John W. Jumper, et al. | M.C.R. 4818 |
| Jennie I. Miller | M.C.R. 5575 |
| Cassie Bates, et al. | M.C.R. 5576 |
| Minnie Smith | M.C.R. 5577 |
| John M. Smith | M.C.R. 5578 |
| James G. Smith | M.C.R. 5579 |
| Nancy Yocum, et al. | M.C.R. 5580 |
| Philip Jumper, et al. | M.C.R. 5593 |
| William G. Purtick, et al. | M.C.R. 5671 |
| Tandy L. Gaver | M.C.R. 5672 |
| Thomas S. Smith, et al. | M.C.R. 5682 |
| John E. Everett, et al. | M.C.R. 5683 |
| Ella Lewis, et al. | M.C.R. 5684 |
| Willie Drewry | M.C.R. 5685 |
| Charles J. Smith | M.C.R. 5686 |
| Mary Jones, et al. | M.C.R. 5696 |
| Will Yocum | M.C.R. 5698 |
| John Yocum | M.C.R. 5699 |
| William W. Purtick | M.C.R. 6069 |
| Jefferson D. Purtick, et al. | M.C.R. 6070 |

Willie Drewry,—2

| | |
|--------------------------|-------------|
| Frank M. Purlick, et al. | M.C.R. 6071 |
| Sallie Dearing, et al. | M.C.R. 6072 |
| Elisa Michael, et al. | M.C.R. 6073 |
| William A. Jumper | M.C.R. 6074 |
| George A. Jumper, et al. | M.C.R. 6075 |
| James A. Yates, et al. | M.C.R. 6076 |
| Bill E. Yates, et al. | M.C.R. 6077 |
| Frank Jumper | M.C.R. 5587 |
| George Jumper, et al. | M.C.R. 6236 |
| Moses Jumper | M.C.R. 6237 |
| Bettie Cheves, et al. | M.C.R. 6320 |
| George A. Everett | M.C.R. 6321 |

These applications were made under the provision of the act of Congress of June 28, 1898 (30 Stats., 495), which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto and make report to the Secretary of the Interior."

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Alice Gardner, E. J. Gardner, Jimmie Gardner, Albert Gardner, Charles F. Gardner, Samuel H. Hunt, Oliver R. Hunt, Henry D. Hunt, Eddie F. Hunt, Lelia E. Hunt, Samuel D. Hunt, Susan F. Hunt, Jessie Hunt, William F. Hunt, Boyd E. Hunt, Heskiah E. Hunt, Josephine Hunt, Eliza V. Hunt, Minnie P. Hunt, Eva E. Hunt, Virginia Jumper, Sam Jumper, John W. Jumper, Annie F. Jumper, Bug Jumper, Mattie B. Jumper, Dixon F. Jumper, James Levi Jumper, Jennie I. Miller, Cassie Bates, Archie Patton, Hester Patton, Beanie Bates, Alice Bates, Johanna Bates, Eugene Bates, Minnie Smith, John M. Smith, James G. Smith, Nancy Yocum, Minnie Yocum, Clinton Yocum, Clifton Yocum, Pearl Yocum, Ola Yocum, Philip Jumper, Katie Jumper, Mark Jumper,

Willie Drewry,--3

Marvin Jumper, William C. Furtick, Clara Furtick, Sallie Furtick, Pet Furtick, Ruth Furtick, Tandy L. Caver, Thomas S. Smith, Charlotte Smith, Nona Smith, John E. Everett, Sherman L. Everett, Frank C. Everett, Ella Lewis, Orra Lewis, Edwin C. Lewis, Altie P. Lewis, Irvin A. Lewis, Willie Drewry, Charles J. Smith, Mary Jones, Gussie Jones, Gracie Jones, Will Yocom, John Yocom, William W. Furtick, Jefferson D. Furtick, Jeffie Furtick, Fama L. Furtick, Eugenia Furtick, Frank M. Furtick, Frankie Furtick, Alice Furtick, Louis Furtick, Sallie Dearing, Mary Dearing, Jim Dearing, Alexander B. Dearing, Eliza Michael, Andrew Carpenter, James Carpenter, Ollie Carpenter, Dollie Lee Carpenter, Lula Michael, William A. Jumper, George A. Jumper, Pink Jumper, Ed Jumper, Minnie Jumper, Arthur Jumper, Sam Jumper, James A. Yates, Lonnie Yates, Hattie Frances Yates, Bill E. Yates, Frank Jumper, George Jumper, Ned Jumper, Ben Jumper, Dan Jumper, Harvey Jumper, Moses Jumper, Bettie Cheves, Mary Cheves, Hamilton Cheves, Lewis Cheves, Freddie Cheves, Johnnie Cheves and George A. Everett as Chootaw Indians entitled to rights in the Chootaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the applications for their identification as such should be refused, and it is so ordered."

You are further advised that you will be allowed fifteen days from the date hereof within which to file arguments in this office, and that at the expiration of said time the papers in the case, together with such arguments will be forwarded to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

Sam C. Dixby

Acting Chairman.

Registered.

REFER IN REPLY TO THE FOLLOWING:

MR-5885

DEPARTMENT OF THE INTERIOR,
COMMISSIONER TO THE FIVE CIVILIZED TRIBES.

Muskogee, Indian Territory, February 28, 1907.

Willie Dreway,
Haileyville, Indian Territory.

Dear Madam:-

You are hereby notified that the Secretary of the Interior, on February 15, 1907, affirmed the decision of the Commission to the Five Civilized Tribes of January 5, 1903, refusing to identify, as Mississippi Choctaws, the several applicants in the consolidated case of Alice Gardner et al.

Respectfully,



Commissioner.

No. 5885

For Identification as a Mississippi Choctaw.

Date JUN 21 1912

Name Willie Oreway

Age 17 — Blood Don't know,

Post-Office, Baileyville, I.T.

Father: W. J. Lewis —

l.

Mother: Ella "

l.

Claims through mother —
husband

— J. W. Oreway, l. cho. & w.
No claim for husband.

Children:

Claims for self alone.

Stenographer W. H. Martin —

Department of the Interior.

Commissioner to the Five Civilized Tribes,

MUSKOGEE, IND. TER.



5883-

Willie Dreway,

Haileyville, Indian Territory.

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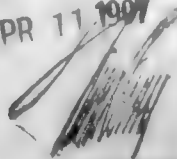


Commissioner.

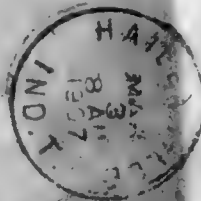
Commissioner of the State of Indiana
Commissioner of the State of Indiana

FILED

APR 11 1907



Commissioner.



Choctaw MCR 5886

Charles J. Smith

by

Elizabeth Smith

See MCR 5574

MCR 5886

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., June 26, 1902.

Page.

In the matter of the application of Elizabeth Smith for the identification of her minor son, Charles J. Smith, as a Mississippi Choctaw.

Thomas & Harrison, Attorneys for applicant.

Elizabeth Smith after being first duly sworn testifies as follows:

Examination by the Commission.

- Q What is your name? A Elizabeth Smith.
Q What is your age? A Sixty-one.
Q What is your post office address? A Cook post office, Oklahoma, in Pottawatomie County.
Q How long have you lived there? A Ten years.
Q Where did you live before that? A We lived in the Choctaw Nation.
Q How long did you live in that Nation? A About five years or six.
Q Where did you live before that? A We lived in Arkansas.
Q Where were you born? A In Benton County, Missouri.
Q From Missouri you went where? A To Arkansas.
Q And lived in Arkansas how long? A About eighteen years I think.
Q Is your father living? A No sir.
Q Is your mother living? A No sir.
Q Through which parent do you claim your Choctaw blood, father or mother? A For me I ain't none; I am here for my minor son.
Q You are white are you? A Yes sir.
Q And you are making application for one minor son? A Yes sir.
Q What is his name? A Charles J. Smith.
Q How old is he? A Sixteen.
Q He claims through whom, his father or through you? A His father.
Q What is the name of his father? A Charles C. Smith.
Q Is he living now or dead? A My husband is dead.
Q How much Choctaw blood did he have? A I do not know exactly; his mother taught me she was a full blood.
Q What was his mother's name? A Sallie Smith.
Q He would then be one half, would he not? A Yes, I suppose so, one half of his mother.
Q Then you claim for this boy how much Choctaw blood; if his father is one half he would be one half of that? A He would

one-fourth I suppose.

- Q Do you claim one-fourth for him? A Yes sir.
 Q When were you married to your husband, Charles C. Smith, now deceased? A In 1857.
 Q What day of the month? A If I ain't mistaken the 2nd day of August.
 Q By a Minister under a license? A Yes sir, by a Minister.
 Q Have you the proof of that marriage with you now? A Yes sir, its here.
 Q It has been filed ins it? A Yes sir.
 Q In what case? A Alice Gardner.
 Q What relation is Alice Gardner to your son, Charles J. Smith? A Own brother and sister.
 Q Would you like to have his case consolidated with hers, under the case of Alice Gardner, et al., M. C. R. 5574? A Yes sir.

The case of Alice Gardner, et al., M C R 5574, is here referred to for the purpose of consolidation.

- Q Is the name of your son, Charles J. Smith, on any of the tribal rolls of the Choctaw Nation in the Indian Territory? A No sir.
 Q Has anyone ever made any application for him for citizenship in the Choctaw Nation to the Choctaw tribal authorities? A No sir.
 Q Has anyone made any application for him for citizenship in the Choctaw Nation to the Dawes Commission under the act of Congress of June 10, 1896? A Not that I know of.
 Q Has he ever been admitted to citizenship in the Choctaw Nation by either the Choctaw tribal authorities, the Commission to the Five Civilized Tribes or the United States Court in the Indian Territory? A No sir.
 Q Is this the first application that has ever been for him for citizenship in the Choctaw Nation to either the Choctaw tribal authorities or the United States authorities in the Indian Territory? A Yes sir.
 Q Do you now come before the Commission to identify your minor son, Charles J. Smith, as a Mississippi Choctaw? A Yes sir.
 Q Do you claim under article fourteen of the treaty of 1830? A Yes sir.
 Q Do you understand that article? A Partly I do.
 Q Do you care to have it explained to you further? A Yes sir.

The treaty of 1830 was made between the United States Government and the Choctaw Indians at a place in Mississippi called Dancing Rabbit Creek on the 27th day of September, 1830. the object of the treaty was to remove as far as practicable all the Choctaw Indians from the old Choctaw Nation east of the Mississippi river to the Choctaw Nation, Indian Territory. Before the treaty was signed it became known that a great many Choctaw Indians would not go to the Choctaw Nation, Indian Territory, and in order to protect the interests of those Indians who stayed back in the old Choctaw Nation article fourteen was put into the treaty; it was then signed and afterwards ratified. That article is as follows:

"ARTICLE XIV. Each Choctaw head of a family being desirous to remain and become a citizen of the states shall be permitted to do so, by signifying his intention to the Agent within six months from the ratification of this treaty, and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land, to be bounded by sectional lines of survey; in like manner shall be entitled to one half that quantity for each unmarried child which is living with him over ten years of age, and a quarter section to such child as may be under ten years of age, to adjoin the location of the parent; if they reside upon said lands intending to become citizens of the states for five years after the ratification of this treaty, in that case, a grant in fee simple shall issue; said reservation shall include the present improvement of the head of the family or a portion of it. Persons who claim under this article shall not lose the privilege of a Choctaw citizen, but if they ever remove are not entitled to any portion of the Choctaw annuity."

- Q Do you understand that article? A Yes sir.
- Q Do you know whether any of the Choctaw ancestors of your son, Charles J. Smith, ever complied or attempted to comply with that article fourteen of the treaty of 1830? A I don't know.
- Q What is the name of the Choctaw ancestor of your son, Charles J. Smith, through whom you claim for him the right to be identified as a Mississippi Choctaw? A Jack Smith; why it is his mother's father, Ohe-ca-ohio.
- Q How do you spell that name? A I don't know whether I can spell it or not.
- Q Is it O-h-i- o-a- o-h-i-o? A That may be it, I think it is, I haven't much education and I can't spell anything very hard.
- Q What relation was he to your son, Charles J. Smith? A My husband's grandfather.
- Q This boy's great grandfather? A Yes sir.
- Q Did he speak Choctaw? A Yes sir, my husband could speak,--
- Q I mean Ohi-ca-ohio? A I was taught he could.
- Q How much Choctaw blood do you claim he had? A I claim him to be a full blood.
- Q Did he live in Mississippi in the old Choctaw Nation in 1830? A I was taught he did.
- Q Was he the head of a family there then? A I was taught he was.
- Q Did he own any land or claim any land in the old Choctaw Nation in Mississippi or Alabama under article fourteen of the treaty of 1830? A I was taught he taken some in Section 16, Township 26, Range 5.
- Q Do you know what became of that land you have described? A He was disbanded off of it by some parties or other; he had to leave that land for some purpose or other.
- Q He was put off the land? A Yes sir.
- Q It was not assigned to anyone that you know of? A Not that I know of.
- Q Did you ever hear of a person by the name of John B. Davis? A I have heard the name.
- Q In what connection have you heard that name? A I don't remember.
- Q Did you ever hear of any person who lived in Mississippi named

-3-

Ghe-ka-ohye, who had land, and whose land was assigned to one Jno. B. Davis? A That name you spoke right there is the name I aimed to speak, whether I spoke it right or not, (indicating a name in a book)

Q What book is that? A That's the roll book or law book.

Q There is no such a thing as an Indian law book, and the Indian roll book is hardly descriptive of it; that name, Ghe-ka-ohye, is in Col. George W. Martin's Register as one who had land located for him by the locating agent, the said Martin, and which land is described as you have described it; but that land was assigned to one Jno. B. Davis, - you say that your ancestor's land was taken from him? A That is what I have been taught.

Q You do not know if that could be the same person as your husband's grandfather? A That is what I was taught.

Q You do not know anything more about it than what you have been told by members of the family? A Nothing only what I have been taught by my husband.

Q You have heard him say so? A Yes sir.

Q Did any of the Choctaw ancestors of your son, Charles J. Smith, within six months after the ratification of the treaty of 1830 go to Colonel Ward, and tell him that they wanted to stay in Mississippi, take land there, and become citizens of the states? A Not that I know of.

Q Did any of the ancestors of your son, Charles J. Smith, go from that old Choctaw Nation east of the Mississippi river to the Choctaw Nation, Indian Territory, with the other Indians between the years 1833 and 1838 or 1840? A Not that I know of.

The Choctaw Indians who remained in the old Choctaw Nation after the treaty of 1830 was ratified were required if they wanted to take advantage of article fourteen of that treaty, to go to the United States Indian Agent, Colonel Ward, and tell him that they wanted to stay in Mississippi, take land there and become citizens of the states. A good many Choctaw Indians did this whose names Colonel Ward neglected to put upon his list, known as "Ward's Register". His neglect to do this caused a good many Indians who had land in the old Choctaw Nation upon which they had improvements to lose both their lands and improvements, both were taken from them by the government and sold at its public land sales. This caused so many complaints among the Choctaw Indians, that in 1837 Congress appointed a commission under an act approved March 3rd of that year, which went to Mississippi and heard claimants under article fourteen of the treaty of 1830; and in 1842 another commission was appointed by congress for the same purpose, under an act of Congress approved August 23rd of that year; this commission also went to Mississippi and heard claimants under article fourteen of the treaty of 1830.

Q Do you know if any of the Choctaw ancestors of your son, Charles J. Smith, went before either of these commissions and claimed any benefits under article fourteen of the treaty of 1830? A Not that I know of.

Q Do you know whether any of the Choctaw ancestors of Charles J. Smith received any script from the government, which entitled them to select land in Mississippi, Alabama, Louisiana or

Arkansas? A Not that I know of.

This script was issued under an act of Congress approved August 23rd, 1842, and was given to those Choctaw Indians who proved their claim under article fourteen of the treaty of Dancing Rabbit Creek, and also proved that they had land in Mississippi or Alabama which the government had taken from them and sold.

Q Have you any proof that you want to introduce at this time in support of this case? A No sir.

15 days time is allowed this applicant in which to introduce other testimony in support of her son's application.

- Q Does he speak the Choctaw language? A No sir.
Q Give me a description of your son; is he dark or light? A He has black hair; he is not dark, on the light complexion.
Q Eyes light? A Dark blue eyes, black hair, light complexion, kinder a brown complexion, not a fair complexion.

W. H. Martin being first duly sworn on oath states that as stenographer to the Commission to the Five Civilized Tribes he recorded in full the above proceedings on the 28th day of June, 1902, and that the within and foregoing is a full, true and correct transcript of his stenographic notes in the same.

W. H. Martin

Subscribed and sworn to before me this 15 day of July, 1902.

Guy L. V. Emerson
Notary Public.

Muskogee, Indian Territory, January 5, 1903.

Charles J. Smith,
Care of Elizabeth Smith,
Cook, Oklahoma Territory.

Dear Sir:

You are hereby advised that on the 5th day of January, 1903, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Alice Gardner, et al., embracing the following applications for identification as Mississippi Choctaws:

| | |
|------------------------------|-------------|
| Alice Gardner, et al. | M.C.R. 5874 |
| Samuel H. Hunt, et al. | M.C.R. 4702 |
| William F. Hunt, et al. | M.C.R. 4815 |
| Hosekiah B. Hunt, et al. | M.C.R. 4816 |
| Virginia Jumper, et al. | M.C.R. 4817 |
| John W. Jumper, et al. | M.C.R. 4818 |
| Jennie I. Miller | M.C.R. 5575 |
| Cassie Bates, et al. | M.C.R. 5576 |
| Minnie Smith | M.C.R. 5577 |
| John M. Smith | M.C.R. 5578 |
| James O. Smith | M.C.R. 5579 |
| Nancy Yocum, et al. | M.C.R. 5580 |
| Philip Jumper, et al. | M.C.R. 5585 |
| William C. Furtick, et al. | M.C.R. 5871 |
| Tandy L. Caver | M.C.R. 5872 |
| Thomas S. Smith, et al. | M.C.R. 5882 |
| John E. Everett, et al. | M.C.R. 5883 |
| Ellis Lewis, et al. | M.C.R. 5884 |
| Willie Drenery | M.C.R. 5885 |
| Charles J. Smith | M.C.R. 5886 |
| Mary Jones, et al. | M.C.R. 5888 |
| Will Yocum | M.C.R. 5899 |
| John Yocum | M.C.R. 5900 |
| William W. Furtick | M.C.R. 6069 |
| Jefferson D. Furtick, et al. | M.C.R. 6070 |

Charles J. Smith,—2

| | |
|--------------------------|-------------|
| Frank M. Furtick, et al. | M.C.R. 6071 |
| Sallie Dearing, et al. | M.C.R. 6072 |
| Eliza Michael, et al. | M.C.R. 6073 |
| William A. Jumper | M.C.R. 6074 |
| George A. Jumper, et al. | M.C.R. 6075 |
| James A. Yates, et al. | M.C.R. 6076 |
| Bill E. Yates, et al. | M.C.R. 6077 |
| Frank Jumper | M.C.R. 5587 |
| George Jumper, et al. | M.C.R. 6238 |
| Moses Jumper, | M.C.R. 6237 |
| Bettie Cheves, et al. | M.C.R. 6320 |
| George A. Everett | M.C.R. 6321 |

These applications were made under the provision of the act of Congress of June 28, 1898 (30 Stats., 495), which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses, and perform all other acts necessary thereto, and make report to the Secretary of the Interior."

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Alice Gardner, E. J. Gardner, Jimmie Gardner, Albert Gardner, Charles F. Gardner, Samuel H. Hunt, Oliver R. Hunt, Henry D. Hunt, Eddie F. Hunt, Lelia E. Hunt, Samuel E. Hunt, Susan F. Hunt, Jessie Hunt, William F. Hunt, Boyd E. Hunt, Hazeckiah B. Hunt, Josephine Hunt, Eliza V. Hunt, Minnie F. Hunt, Eva F. Hunt, Virginia Jumper, Sam Jumper, John W. Jumper, Annie F. Jumper, Dug Jumper, Hattie B. Jumper, Dixon F. Jumper, James Levi Jumper, Jennie I. Miller, Cassie Bates, Archie Patton, Hester Patton, Bessie Bates, Alice Bates, Johnnie Bates, Eugene Bates, Minnie Smith, John M. Smith, James O. Smith, Nancy Yocum, Minnie Yocum, Clinton Yocum, Alorton Yocum, Pearlle Yocum, Ole Yocum, Philip Jumper, Katie Jumper, Mark Jumper, Marvin Jumper, William C. Furtick, Clara Furtick, Sallie Furtick,

Charles J. Smith,—3

Pet Furtick, Ruth Furtick, Tandy L. Caver, Thomas S. Smith, Charlotte Smith, Nona Smith, John E. Everett, Sherman L. E. Everett, Frank C. Everett, Ella Lewis, Orra Lewis, Edwin C. Lewis, Altie P. Lewis, Irvin A. Lewis, Willie Drewry, Charles J. Smith, Mary Jones, Gussie Jones, Gracie Jones, Will Yocom, John Yocom, William W. Furtick, Jefferson D. Furtick, Jeffie Furtick, Emma L. Furtick, Eugenia Furtick, Frank M. Furtick, Frankie Furtick, Alice Furtick, Louis Furtick, Sallie Dearing, Mary Dearing, Jim Dearing, Alexander B. Dearing, Eliza Michael, Andrew Carpenter, James Carpenter, Ollie Carpenter, Dollie Lee Carpenter, Lula Michael, William A. Jumper, George A. Jumper, Pink Jumper, Ed Jumper, Minnie Jumper, Arthur Jumper, Sam Jumper, James A. Yates, Lonnie Yates, Hattie Frances Yates, Bill E. Yates, Frank Jumper, George Jumper, Ned Jumper, Ben Jumper, Dan Jumper, Harvey Jumper, Moses Jumper, Hettie Cheves, Mary Cheves, Hamilton Cheves, Lewis Cheves, Freddie Cheves, Johnnie Cheves and George A. Everett as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the applications for their identification as such should be refused, and it is so ordered."

You are further advised that you will be allowed fifteen days from the date hereof within which to file arguments in this office, and that at the expiration of said time the papers in the case, together with such arguments will be forwarded to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

SIGNED

James Dixby.

Acting Chairman.

Registered.

MCR-5886

Muskogee, Indian Territory, February 28, 1907.

Charles J. Smith,
Maud, Oklahoma.

Dear Sir:-

You are hereby notified that the Secretary of the Interior, on February 15, 1907, affirmed the decision of the Commission to the Five Civilized Tribes of January 5, 1903, refusing to identify, as Mississippi Choctaws, the several applicants in the consolidated case of Alice Gardner et al.

Respectfully,

Commissioner.

No. 5886

For Identification as a Mississipi Choctaw.

Date

JUN 21 1904

Name Elizabeth Smith -

Age 61 - Blood white -

Post-Office, Coon, Ark. -

Father, Aaron Gist w. d.

Mother, Elizabeth " w. d.

Son (claim) through his father

Charles C. Smith, d.
Choctaw 1/2

Children:

Charles J. Smith, 16
1/4 chm. blood,

Mother (w.) claims
for her minor
son -

Stenographer W. H. Martin.

Choctaw MCR 5887

William P. Pool

See MCR 5888, 5889

MCR 5887

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

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In the matter of the application of William P. Pool, et al.,
for identification as Mississippi Choctaws, consolidating the
applications of:

William P. Pool, et al., M. C. R. 3887.
Martha E. Williamson, et al., M. C. R. 3888
Julia J. C. Huddleston, et al., M. C. R. 3889

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List of papers forwarded to the Secretary of the Interior,
comprising the record in the consolidated case of
William P. Pool, et al.

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| Testimony of Frances Pool,..... | 14 |
| Certified copy of marriage certificate between
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Final decision of the Commission to the Five
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Department of the Interior,
Commission to the Five Civilized Tribes.
Muskogee, I. T., June 24, 1902.

10007.

In the matter of the application of William P. Pool, et al., for identification as Mississippi Choctaws.

Thomas A. Harrison, Attorneys for Applicants.

Lewis H. Ladd called as a witness by applicants, after being first duly sworn testifies as follows:

Examination by the Commission.

- Q What is your name? A Lewis H. Ladd?
Q What is your age? A I claim 77, though I may be older.
Q What is your post office address? A South McAlester, Indian Territory.
Q What is your nationality? A Well I don't hardly know that.
Q Are you a Negro? A Well, you might call me that; some calls me a mongrel.
Q What other blood do you claim besides Negro blood? A Just claim the Freedman blood, though I am a mixture.
Q What is your business? A I follow farming, and making boots and shoes.
Q What do you do not, farm or make boots and shoes? A I am out of that now, I have no family, and just roam around first one place and another.

BY MR. HARRISON, Attorney for applicants:

- Q Did you know a man by the name of William P. Pool? A Yes sir, I knowed him in Mississippi.
Q How long did you know William P. Pool? A I can't say exactly, 3 or 4 years back.
Q Is that the man who was here this morning? A Yes sir.
Q Did you know a man by the name of Johnanner Pool? A Yes sir.
Q When did you first know him and where? A Well now, it was somewhere about '92 or '93, somewhere along about there when they was fixing to migrate from Mississippi to this here Territory here.
Q What? A The Choctaw Indians and Chickasaws.
Q What county in Mississippi was it? A Pontotoc.
Q When do you first remember knowing Johnanner Pool? A Along in '92 or '3, after they made that treaty.
Q What treaty? A The Rabbit Runce, coming from Mississippi to this country.
Q Were you living in Mississippi at that time? A Yes sir.
Q How old were you? A I can't exactly tell you, about 3 or 4 years old, just big enough to ride race.

- Q How old was this John Connor Pool? A We were near about the same age.
- Q Did you know his father? A Well his father was at Spring Hill and the Warrens was some connection, but I can't tell what kin they were, they were Indians, Choctaw.
- Q Was William Pool, the father of John Connor Pool, the boy whom you used to know, an Indian? A Yes sir.
- Q He was an Indian? A Yes sir.
- Q Do you know who he married, old man William Pool? A No sir I don't know, it has been so long ago.
- Q Did you know a family there at that time by the name of Connor? A Yes sir.
- Q How far did the Connor family live from where William Pool lived? A I don't know sir; it was in Spring Hill or LaGrange.
- Q Was it in the same neighborhood? A They were all neighbors and make visits backwards and forth.
- Q Did you ever know a woman there at that time by the name of Amanda Connor? A Yes sir.
- Q Do you know who her husband was? A Not exactly.
- Q Was she an Indian? A Yes sir.
- Q Was she a full blood Indian? A Let me see, I don't know whether she was full blooded or mixed blooded.
- Q You don't know whether she married William Pool or not? A No sir, I can't be confident whether she did or not.
- Q Did you know any of the children of William Pool besides this boy, John Connor Pool? A If I did I have done forgot it.
- Q About when did you come from Mississippi to this country? A As well as I recollect it was 1834 or 5 one or the other.
- Q Do you know when the Indians left that country? A I was right with them.
- Q Do you speak the Choctaw language? A I used to when I was a boy talk it.
- Q Do you remember whether this boy John Connor Pool, spoke the Choctaw language? A He spoke American mighty broken.
- Q Do you mean English? A Yes sir.
- Q What was his appearance as to being a white boy or Indian boy? A He was no white boy.
- Q Do you know anything about whether this woman, Connor, got any land or tried to get any land as an Indian back there in about 1830? A I don't know anything about that; I was just getting old enough to know what country it was at that time.
- Q What do you know about that treaty you were talking about? A What I know about it? when I was a boy I heard there would be a dance, and I know that I danced with them is all I know about it.
- Q Where was this? A Pontotoc county.
- Q Did they have any name for the place where they had this dance? A Yes, but I can't tell you what it was, I was dancing in there with them.
- Q Did you ever hear of Dancing Rabbit Creek? A Well sir, you have got ahead of me right there.
- Q Did you ever hear that name when you were a boy? A Yes sir, and after they started to this country coming down to Memphis they danced all along the road.

BY THE COMMISSION:

- Q You do not know anything about Dancing Rabbit Creek do you?
A I don't know about that, but I know we danced it all along the road.
- Q Everybody danced? A Yes sir.
- Q What do you suppose they called it Dancing Rabbit Creek for?
A Well now, you are ahead of me.
- Q There was a Rabbit in there somewhere wasn't there? A There must have been, I don't know sir.
- Q You don't know anything about the treaty of 1830 do you? A No sir, I was too young then; I heard there would be speaking.
- Q You don't know anything about article fourteen of the treaty of 1830? A No sir.
- Q You did not know anything about Colonel Ward, a man named Colonel Ward? A I have heard his name but did not personally know the man.
- Q Was he an Indian? A Yes sir, I think he was.
- Q Was he dancing around up and down the road there? A They were dancing around, I could not call all the names, they was too many.
- Q Was he one of them? A I ain't going to say whether he was or not; he might have been and he might not.

Witness excused.

W. H. Martin being first duly sworn on oath states that as stenographer to the Commission to the Five Civilized Tribes he recorded in full the above proceedings on the 28th day of June, 1902, and that the within and foregoing is a full, true and correct transcript of his stenographic notes in the same.

W. H. Martin

Subscribed and sworn to before me this 28th day of July, 1902.

Guy L. V. Emerson
Notary Public.

Department of the Interior,
Commission to the Five Civilized Tribes.
Muskogee, I. T., June 26, 1908.

#6887.

In the matter of the application of William P. Pool et al
for identification as Mississippi Choctaws.

Thomas A. Harrison, Attorneys for Applicants.

Frances Pool, being called as a witness by applicant, after
being first duly sworn, testifies as follows:

Examination by the Commission.

- Q What is your name? A Frances Pool.
Q What is your age? A I do not know sir.
Q About, what, do you know? A I have no idea, my father and
mother died in Fort Smith, Arkansas and left me an orphan.
Q Are you over seventy or over sixty? A I am somewhere in
sixty I guess.
Q Between sixty and seventy? A I ain't seventy.
Q What is your post office address? A Arapaho, Oklahoma.

BY MR. HARRISON:

- Q Were you acquainted with John Ganner Pool in his lifetime?
A I guess I was a while, he was my husband.
Q Do you know William P. Pool? A Yes sir.
Q John H. Pool? A Yes sir.
Q James S. Pool? A Yes sir.
Q Andrew L. Pool? A Yes sir.
Q Amanda Pool? A Yes sir.
Q Whose children were they? A John Ganner Pool.
Q And who was their mother? A Nancy Porter.
Q She was the wife of John Ganner Pool? and the mother of these
children? A Yes sir.
Q Did you know Martha H. Pool? Yes sir.
Q Julia J. Pool? A Yes sir.
Q Mary Pool? A Yes sir.
Q And did you know Mary Malvina Pool in her lifetime? A Yes
sir.
Q Whose children were they? A Mine and John Ganner Pool.
Q When were you married to John Ganner Pool? A I ain't certain
how many years it was.
Q Do you remember where you were married? A Yes sir.
Q Will you tell where? A In Marshall County, Arkansas.
Q By a minister? A Yes sir.
Q By a Justice of the Peace? A Yes sir.

- Q Do you remember the name? A Yes sir.
Q What was his name? A Jess Sloane.
Q Did you ever know the father of John Gonner Pool? A No sir he was dead before I ever knew him.
Q What was his name? A They said it was William Pool.
Q Where did you get that information? A John Gonner Pool, he called him William Pool.
Q And what was your husband's mother's name? A He said it was Amanda Gonner.
Q What is your information as to who Amanda Gonner was? A All I got from John Gonner Pool.
Q Was Amanda Gonner a white woman? A No sir.
Q What did he say about his mother? A He said she was an Indian.
Q What kind of an Indian? A I never asked him no questions.
Q Do you know where Amanda Gonner and William Pool are said to have lived? A No sir.
Q Did you ever hear of them living in Mississippi? A No sir, I never heard where they lived; I never seen nary one of them

W. H. Martin being first duly sworn on oath states that as stenographer to the Commission to the Five Civilized Tribes he recorded in full the above proceedings on the 25th day of June, 1902, and that the within and foregoing is a full, true and correct transcript of his stenographic notes in the same.

W. H. Martin

Subscribed and sworn to before me this 25 day of July, 1902.

Guy L. V. Emerson
Notary Public.

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., June 26, 1902.

#5987.

In the matter of the application of William P. Pool for the identification of himself, his three minor children, Thomas J. Pool, Viola Pool, William P. Pool, and his minor cousin, William Julia Pool, as Mississippi Choctaws.

Thomas A. Harrison, Attorneys for applicants.

William P. Pool after being first duly sworn testifies as follows:

Examination by the Commission.

- Q What is your name? A William P. Pool.
Q What is your age? A Forty-seven.
Q Your post office address? A Omaha, Morris County, Texas.
Q How long have you lived there? A I have right there and in adjoining counties ever since 1884.
Q Where were you born? A In Tennessee.
Q Where in Tennessee? A Bradley County.
Q From Tennessee you went where? A To Alabama, and from Alabama to Texas.
Q Is your father living? A No sir.
Q What was his name? A John H. Pool.
Q Is your mother living? A No sir.
Q What was her name? A Nancy Foster.
Q That was her maiden name? A Yes sir, Pool.
Q Do you claim your Choctaw blood through your father or mother? A My father.
Q How much Choctaw blood do you claim? A One half.
Q You claim one half? A My father was a half.
Q How much do you claim? A One-fourth.
Q Has your father ever been recognized as a Choctaw Indian or enrolled as one by the Choctaw tribal authorities or the United States authorities in the Indian Territory? A No sir.
Q When and where were your father and mother married? A In Mississippi.
Q What place in Mississippi? I can't tell you.
Q What day of the month and year? A I can't tell you that.
Q Were they married by a minister under a license? A I can't tell you that.
Q You have not the proof of that marriage with you now? A No sir.
Q Are you married? A Yes sir.
Q What is your wife's name? A My present wife's name was Evans, I have been married twice.
Q What was your first wife's name? A Elvira Pool.
Q She is dead? A Yes sir.
Q Was she a Choctaw Indian or white woman? A White woman.

- Q Have you any children by her that you want to make application for? A No sir they are of age, two of them.
- Q They are not here? A No sir.
- Q Have they ever been before the Commission? A No sir.
- Q Give me the names of these children by your first wife? A Ann Eliza.
- Q What is her married name? A Johnson now.
- Q What is her husband's name? A George W. Johnson.
- Q Where do they live? A In Titus county, Asanda, Texas.
- Q What is the name of your other child by your first wife? A Robert C. Pool.
- Q Is he married? A Yes sir.
- Q Where does he live? A At Asanda.
- Q In what state? A Texas.
- Q Is that all the children by your first wife? A Yes sir.
- Q You say you have another wife now? A Yes sir.
- Q Is she living? A Yes sir.
- Q Is she a white woman? A Yes sir.
- Q What is her name? A Maria A. Pool.
- Q Have you any children by this wife? A Yes sir.
- Q Under age and unmarried? A Yes sir, four.
- Q Give me the name of the oldest? A Jeffrie Pool.
- Q Is that not Jefferson? A Yes sir, Thomas J. Pool.
- Q How old is Thomas J? Sixteen.
- Q Now the next? A Viola.
- Q That is a girl? A Yes sir.
- Q How old is she? A Twelve.
- Q The next? A William P. Pool? A Is this child named after you? A Yes sir, his initials are the same.
- Q How old is he? A Ten years old.
- Q Now the next, your own child? A That is all I have of my children.
- Q Now, you say that you have another child at your home that you want to make application for? A Yes sir.
- Q What relation is that child to you? A Niece of mine, the child of W. T. Pool, who was my own uncle; her parents are dead.
- Q Are you the nearest relative she has? A Yes sir, I have raised her since she was four months old.
- Q How old is she now? A Fifteen.
- Q What is her name? A William Zulia.
- Q How do you spell Zulia? A Z-u-l-i-a.
- Q Pool is it? A Yes sir, Pool.
- Q What relation is she to you? A She is my niece.
- Q You say ~~her~~ her father was your uncle? A Yes sir.
- Q She is your second niece? A No, she is only a cousin of mine.
- Q But you have had charge of this cousin of yours during almost all her lifetime, and have supported her? A Yes sir.
- Q Her father's name was what? A William T. Pool.
- Q He is dead? A Yes sir.
- Q How much Choctaw blood did he have? A He claimed the same as my daddy, one half.
- Q Then you claim for William Zulia Pool how much? A One fourth.
- Q What is the name of the mother of William Zulia Pool? A She was Susan Cloud.
- Q That was her maiden name? A Yes sir.
- Q Is she dead? A Yes sir.

- Q Was she a white woman? A Yes sir.
- Q Do you know whether William T. Pool, the father of William Zulia Pool, has ever been recognized or enrolled as a member of the Choctaw Tribe of Indians by the Choctaw tribal authorities or the United States authorities in the Indian Territory? A No sir.
- Q Is this all you claim for your own three children and your cousin, William Zulia Pool? A Yes sir.
- Q Have you ever legally adopted William Zulia Pool or been appointed guardian by the court? A No not by the court.
- Q You just simply have ~~been~~ taken charge of the child and raised her? A Yes sir, she has a sister living in Waco, my uncle before he died gave her to my wife.
- Q Where is this child now? A With me at Omaha, Texas.
- Q When and where were you married to your second wife, Maria A. Pool? A Marshall County, Alabama.
- Q She is the mother of these three children? A Yes sir.
- Q Is this second wife, Maria A. Pool, living with you at your home? A Yes sir.
- Q And are these children? A Yes sir.
- Q Can you tell the place and date of your marriage to her? A I can tell the place, I don't know whether I can tell the date.
- Q Give the place? A It was the 16th of October, 1888.
- Q At what place? A Hillion's Store; that was the Squire's post of ice; we went to his house and was married.
- Q What county? A Marshall County.
- Q What state? A Alabama.
- Q By a Minister under a license? A Yes sir.
- Q Have you the proof of that marriage with you now? A No sir.
- Q Do you know when and where the father of William Zulia Pool were married? A They were married in Jackson County, Stephenson, Alabama., but I do not remember when.
- Q You have not that proof here? A No sir.
- Q Is your name or the name of any of your children or the name of your cousin, William Zulia Pool, on any of the tribal rolls of the Choctaw Nation in the Indian Territory? A No sir.
- Q Have you or your children or William Zulia Pool or anyone for you or them ever made application for citizenship in the Choctaw Nation to the Choctaw tribal authorities in the Indian Territory? A No sir.
- Q Have either you or your children or William Zulia Pool or anyone for you or them ever made application for citizenship in the Choctaw Nation to the Dawes Commission under the act of Congress of June 10, 1896? A No sir.
- Q Is this the first application of any kind that has ever been made for yourself, your children, or for William Zulia Pool for citizenship in the Choctaw Nation? A Yes sir.
- Q Have you or they ever been admitted to citizenship in the Choctaw Nation by either the Choctaw tribal authorities, the Commission to the Five Civilized Tribes or the United States Court in the Indian Territory? A No sir.
- Q Do you now come before the Commission to identify yourself, these minor children, and William Zulia Pool, as Mississippi Choctaws? A Yes sir.
- Q Do you claim under article fourteen of the treaty of 1830? A Yes sir.

- 4-
- Q Do you understand that article of that treaty? A No, I don't fully understand it; I understand it but can't explain it now.
- Q Do you want to have it explained again? A Yes sir I think I understand it?
- Q You don't want it explained again? A No, go ahead.

It reads as follows:

"ARTICLE XIV. Each Choctaw head of a family being desirous to remain and become a citizen of the states shall be permitted to do so, by signifying his intention to the Agent within six months from the ratification of this treaty, and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land, to be bounded by sectional lines of survey; in like manner shall be entitled to one half that quantity for each unmarried child which is living with him over ten years of age, and a quarter section to such child as may be under ten years of age to adjoin the location of the parent; if they reside upon said lands intending to become citizens of the states for five years after the ratification of this treaty, in that case a grant in fee simple shall issue. Said reservation shall include the present improvement of the head of the family or a portion of it. Persons who claim under this article shall not lose the privilege of a Choctaw citizen but if they ever remove are not entitled to any portion of the Choctaw annuity."

- Q Did any of your Choctaw ancestors comply or attempt to comply with the provisions of that article of the treaty of 1830? A I don't know.
- Q What is the name of your Choctaw ancestor through whom you claim your right to be enrolled as a Mississippi Choctaw? A A Connor, Amanda Connor.
- Q That was her maiden name? A Yes sir.
- Q Whom did she marry? A William Pool.
- Q What relation was he to you? A My grandfather on my father's side.
- Q William Pool was a white man? A Yes sir.
- Q Did Amanda Connor live in Mississippi or Alabama in the old Choctaw Nation in the year 1830? A I don't know whether she did or not.
- Q Can you give the name of any of your Choctaw ancestors who lived in Mississippi in 1830 and was the head of a family there then? A The Warrens were in there then; they were connected to my grandmother some way or other; they were Choctaw Indians.
- Q Who is Warren; I want you to give me the name of some ancestor; do you know who this Warren was? A No sir, I don't.
- Q What relation to you? A I don't know.
- Q Is Amanda Connor, your grandmother, the most remote ancestor in a direct line back that you can give? A Yes sir.
- Q Can you tell whether she derived her Choctaw blood through her father or mother? A No I can't tell you that.
- Q You are not able to state whether she lived in that old Choctaw Nation in Mississippi or Alabama in 1830 and was the head of a family there then? A I am not able to state.

- Q She was your father's mother? A Yes sir.
- Q Did he ever live in the state of Mississippi? A Yes sir.
- Q Was he born there? A I don't know where he was born.
- Q How old would John G. Pool, your father, be if living now? A Way up in seventy.
- Q And you can not tell where he was born? A No sir.
- Q When did he live in Mississippi? A I can't tell you that.
- Q How do you know he lived in Mississippi? A I don't know it only from his conversations; I have heard him speak of it.
- Q But he never told you where he was born or when? A Not that I remember of.
- Q You are not able to give your ancestor who lived in Mississippi or Alabama in 1830 then? A No sir.
- Q How much Choctaw blood did Amanda Connor who married William Pool have? A She was a full blood.
- Q How do you know she was a full blood? A My father always told me she was a full blood.
- Q What relation was Amanda Pool to your cousin, William Zulia Pool? A Her daddy was my grandmother's own son.
- Q Amanda Pool or Amanda Connor was the great grandmother of William Zulia Pool? A Just a grandmother, not a great grandmother.
- Q William Zulia Pool's father was William Thomas Pool, was he? A Yes sir.
- Q And he was the son of Amanda Pool? A Yes sir.
- Q Did Amanda Pool or any Choctaw ancestor of yours or of William Zulia Pool own any land or claim any land in Mississippi or Alabama in the old Choctaw Nation under article fourteen of the treaty of 1830? A Not that I know of.
- Q Did your Choctaw ancestor or the ancestor of William Zulia Pool own any improvements on land in the old Choctaw Nation in 1830? A No sir.
- Q Did any of your Choctaw ancestors or her Choctaw ancestors within six months after the ratification of the treaty of 1830 go to the United States Indian Agent, Colonel Ward, and tell him that they wanted to stay in Mississippi, take land there, and become citizens of the states? A Not that I know of.
- Q Did any of your Choctaw ancestors or her Choctaw ancestors go from that old Choctaw Nation east of the Mississippi river to the Choctaw Nation, Indian Territory with the other Indians between the years 1833 and 1838 or 1840? A Well, not that I know of; my daddy used to tell me of two brothers that Amanda Pool had that come with the Indians.
- Q I asked about your ancestors, not about your relatives? A They come here with the Indians but I don't know who.

The Choctaw Indians who stayed back there in the old Choctaw Nation east of the Mississippi river after the treaty of 1830 was ratified were required if they wanted to take advantage of article fourteen of the treaty of 1830 to go to the United States Indian Agent, Colonel Ward, within six months after the ratification of the treaty and tell him that they wanted to stay in Mississippi, take land there, and become citizens of the states. A good many Choctaw Indians did this whose names Colonel Ward failed to put upon his list, known as "Ward's

Register. His neglect to do this caused a great many Indians who had lands in the old Choctaw Nation upon which they had improvements to lose their lands and improvements, for they were taken from them by the government and sold at its public land sales. This caused so many complaints among the Choctaw Indians that in 1837 by an act of Congress approved March 3rd of that year a Commission was appointed which went to Mississippi and heard claimants under article fourteen of the treaty of 1830. In 1842 another Commission was appointed by Congress for the same purpose under an act of Congress approved August 23rd of that year; this Commission also went to Mississippi and heard claimants under article fourteen of that treaty.

Q Did any of your Choctaw ancestors claim any benefits under that article before either of these Commissions? A None that I know of.

Q Did any of your Choctaw ancestors receive any script from the government which entitled them to select land in Mississippi, Alabama, Louisiana or Arkansas? A No sir.

This script was issued under an act of Congress approved August 23rd, 1842.

Q You claim through Amanda Connor who married William Pool? A Yes sir.

Q Do you know how many children they had? A I don't know how many; I can call their names though.

Q Give me their names? Caroline, James W.

Q How many of these children, - are there many? A Yes sir, several. John C. Pool, he is my daddy, Susan, Mat, William P., Andrew J., Amanda J.

Q Now, who did Caroline marry? A Hill.

Q Do you know his full name? A No sir.

Q Was he a white man? A Yes sir.

Q Is Caroline living? A No sir, dead long ago, both are dead.

Q Whom did James H. Pool marry? A I don't know who the first time; he married an Arnold the second time.

Q Do you know her given name? A Frances.

Q A white woman? A Yes sir.

Q Whom did John C. Pool marry? A Nancy Foster, first.

Q That is your mother? A Yes sir.

Q And then whom? A He married Frances Mitchell.

Q Whom did Susan marry? A She first married a John Smith, and then married a Russell.

Q What was Russell's full name? A They called him George Russell.

Q Whom did Mat Pool marry? A She first married an Evans, Bob Evans, and then she married a man by the name of Holland.

Q Full name? A I don't know his full name.

Q Whom did William P. Pool marry? A An Evans the first time, I don't know her full name.

Q Who else? A Susan Cloud.

Q Is that P or T, his initial? A That's T in place of P.

Q Whom did Andrew J. Pool marry? A I can't call her name to save my life.

Q Whom did Amanda Pool marry? A Bradshaw.

Q Do you remember the full name? A No I don't.

- Q Can you give the children of Caroline Pool who married Hill?
A No sir, I never saw them.
- Q Can you give the children of James H. Pool? who married Frances Arnold?
A No, there was one Andrew and one they called Robert, now the others I have forgotten.
- Q That is all you can remember? A Yes sir.
- Q Can you give the names of the children of John C. Pool? A Yes sir.
- Q He is your father? A Yes sir.
- Q You have already given those, have you not? A No sir, I am the oldest, William P. Pool, John E. Pool, James S. Pool, Amanda Pool, Andrew L. Pool; that's all the children he had by my mother. He was married a second time, my daddy was.
- Q Nancy Foster is the mother of these children? A Yes sir.
- Q Are there any other children of John C. Pool by Frances, his second wife? A Martha Ellen is the oldest; Julia E. C. Pool, Mary Pool.
- Q That is all is it? A Yes sir.

MR. HARRISON, Attorney for applicant: There is one child deceased, who has a living child of this marriage.

THE COMMISSION:

- Q What is the name of that deceased child? A Mary Melvina, and she has one heir living.
- Q Whom did she marry? A George W. Johnson; Melvina is dead.
- Q She has a child living? A Yes sir.
- Q What is that child's name? A Tempie Alva Johnson.
- Q Can you give me the names of the children of Susan Pool who married Tom Smith and then George Russell? A No I can not; I don't know whether they had any or not, - there is two by Smith.
- Q What are their names? A Gallie Smith and Bob Smith.
- Q Well, who did you say Mat Pool married? A She first married Bob Evans and then she married Jim Arnold and then Holland.
- Q Can you give me the names of the children of Mat Pool who first married Bob Evans and then Jim Arnold and then Holland? A Evie Arnold is the oldest by Arnold.
- Q Any other children? A Lula Arnold.
- Q Any other children? A That's all the children I can give you.
- Q Can you give the children of William T. Pool? A One, Zulia.
- Q You have made application for Zulia? A Yes sir, and there is one they call Nancy.
- Q How old is Nancy? A I don't know, I expect twenty-five years old.
- Q Has Andrew J. Pool any children? A Yes sir, he has one.
- Q What is its name? A Susie.
- Q Is Susie married? A Yes sir.
- Q What is her present name? A I can't think of her name now, Craig.
- Q Do you know her husband's full name? A Jim Craig.
- Q Has Amanda Pool who married Bradshaw any children? A I think they are all dead, both of them.
- Q Now James H. Pool had a son, Andrew? A Yes sir.
- Q Is he married? A I don't know.
- Q Can you state anything of his children? A No sir.
- Q He had another son named Robert? A Yes sir.
- Q Is he married? A I can not tell you.
- Q John C. Pool had a son, William P. Pool, that is you? A Yes sir.

- Q He also had another son named John E., did he not? A Yes sir.
- Q Can you tell anything about his wife? A She was Martha Roden.
- Q A white woman? A Yes sir.
- Q Have they any children? A Yes sir.
- Q Give me them? A Reuben C.
- Q How many of them? A I reckon four living now., Nancy Pool, Funn Pool.
- Q Is that a boy or girl? A A boy., Mat Pool, and Warren L. Pool.
- Q Those are the children of John E. Pool who married Martha Roden? A Yes sir.
- Q Can you give the name of the wife of Edmund James S. Pool? A Rebecca Roden.
- Q Can you give their children? A They have two, Emma Pool, and Willie C. Pool.
- Q Is that a boy or girl? A A boy.
- Q Just those two? A Yes sir. Emma Pool is married and got four children; she married Tom Harvey.
- Q And she have how many children? A Four.
- Q Give me the names of these children? A I don't know the names of but one of them, Zulia., and they have one called Talmage. That is all the names I know.
- Q Can you give the name of the husband of Amanda Pool? A R. W. Kirby.
- Q Have they any children? A Yes, they have a house full.
- Q You can not give them? A There is Lillie and Lizzie, Sam, Robert, I don't know that I know the names of the others, yes, Andrew, Calvin, Emma, Mary, I don't know the rest of their names.
- Q Can you give the name of the wife of Andrew L. Pool? A She was a Hyde, Emma Hyde.
- Q Can you give their children? A There is one called Sim, Roy, and one more, I don't know its name.
- Q Can you give me the husband of Martha Ellen Pool? A Jim Williamson.
- Q Can you tell their children? A No sir, she is present herself.
- Q Martha Ellen Williamson is here? A Yes sir.
- Q Can you give the name of the husband of Julia J. C. Pool? A Yes sir, Gus Huddleston.
- Q Have they any children? A Yes sir. Osie E., four years old.
- Q Is she here? A Yes sir.
- Q Is Montary Pool married? A No sir.
- Q Is Gallie Smith married? A Yes sir.
- Q Is Bob married? A Yes sir, but I don't know anything about their children.
- Q Is Evie Arnold married? A She has been.
- Q Has she any children? A Yes one.
- Q What is her present name? A Evie Bell.
- Q What is the name of her child? A Alma Bell.
- Q Is Lula married? A Yes sir.
- Q What is her present name? A Ed Loyd is her husband's name.
- Q Any children? A One, I don't know its name.
- Q Is Nancy Pool, the daughter of William T. Pool married? A No sir.
- Q Is Susan Craig married? A Yes sir, that Andrew Pool's daughter.
- Q She married Jim Craig? A Yes sir.

- Q Any children? A Yes, but I don't know how many, and don't know their names.
- Q Is Reuben C. Pool the son of John E. Pool and Martha? A Yes sir.
- Q Do you know anything of their children? A No sir.
- Q Is Nancy Pool married? A Yes sir., she married Jim Roach.
- Q Have they any children? A Yes sir four or five but I don't know their names.
- Q Is Bunn married? A No sir.
- Q Is Mat married? A Yes sir, she married Linz Blue.
- Q Have they any children? A One, I don't know its name.
- Q Is Warren L. Married? A No sir, a minor.
- Q Is that all of the descendants of Asanda Connor who married William Pool that you think of? A Yes, except my two children by my first wife that is Robert and Ann Eliza, they are both married.
- Q Give me the children of Robert? A He has one called Loter.
- Q Is that all? A That's all he has.
- Q Ann Eliza, whom did she marry? A George W. Johnson.
- Q What are the names of their children? A The first one is named Jack.
- Q How old is Jack? A I expect 10 years old.
- Q The next? A Luther.
- Q How old is Luther? A Four years old.
- Q The next? A Birdie C. two
- Q How old is Birdie. A About ~~ten~~ years old.
- Q Any others? A That's all.
- Q Where do the parents of these children live? A They live in Texas at Asanda.
- Q Do you speak the Choctaw language? A No sir.
- Q Is there anything further that you wish to state now in support of your application, any questions to ask? A No.

BY MR HARRISON:

- Q You said that none of your ancestors owned any improvements on on land in the state of Mississippi, did you mean to say no, or did you mean to say that you did not know? A I did not know.
- Q Then in making this statement you desire to correct the answer you made to that question when you said "no"? A Yes sir.
- Q What did you mean in answering the question as to whether or not any of your ancestors received any script,-- in answer thereto your question was "No sir", did you mean to say "No sir", or did you mean to say that you did not know? A Well, I don't know, I am satisfied though they never received any.
- Q Could they have received it and you not have known anything about it? A Yes certainly they could.
- Q Then do you know whether they received any or not? A No, I don't know.
- Q What was your understanding about your ~~in~~ ancestors having lived in Mississippi in 1830 from your family history? A Just from family history.

- Q What was that? A My daddy come from there, and my grand-daddy was married there in Mississippi.
- Q Was that your understanding from family history and tradition? A Yes sir.
- Q That was your understanding as to whether or not the Warrens whom you mentioned in your examination in Chief were akin to the Connors? A I have been taught they were relatives.

BY THE COMMISSION:

- Q You have no relatives who have appeared before the Commission to be identified as Mississippi Choctaws? A Not that I know of.

15 days time is allowed this applicant in which to introduce any further testimony in support of this application.

The applicant has the appearance and physical characteristics of being descended from white parentage; blue eyes; rather light brown hair; light brown mustache; florid complexion; he has no knowledge of the Choctaw language and no knowledge of the compliance on the part of his ancestors with the provisions of article fourteen of the treaty of 1830.

W. H. Martin being first duly sworn on oath states that as stenographer to the Commission to the Five Civilized Tribes he recorded in full the above proceedings on the 26th day of June, 1902, and that the within and foregoing is a full, true and correct transcript of his stenographic notes in the same.

W. H. Martin

Subscribed and sworn to before me this 15 day of July, 1902.

Guy L. V. Emerson
Notary Public.

COPY.

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE FIVE CIVILIZED TRIBES

In the matter of the application of William P. Pool,
et al., for identification as Mississippi Choctaws, consolidating
the applications of:

William P. Pool, et al., M.C.B. 5887
Martha E. Williamson, et al., M.C.B. 5888
Julia J. C. Huddleston, et al., M.C.B. 5889

--- DECISION ---

It appears from the record herein that applications for
identification as Mississippi Choctaws were made to this Commission
by William P. Pool for himself and his three minor children, Thomas
Jefferson, Viola, and William P. Pool (Jr.), and his minor cousin,
William Julia Pool; by Martha E. Williamson for herself and her
three minor children, James Edgar, Eva Lee and Floyd D. Williamson,
and by Julia J. C. Huddleston for herself, her two minor children,
Osa Estelle and Roy S. Huddleston, and her minor brother, Montary
Pool, under the following provisions of the Act of Congress approved
June 28, 1906 (34 Stats. 495):

"Said Commission shall have authority to determine the
identity of Choctaw Indians claiming rights in the Choctaw
lands under Article fourteen of the treaty between the United
States and the Choctaw Nation, concluded September twenty-

-2-

seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto and make report to the Secretary of the Interior."

It also appears that all of said applicants claim rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, by reason of being descendants of Amanda Pool (nee Connor) who is alleged to have been a full blood Choctaw Indian.

It appears from the testimony of the several applicants herein that the husband of Amanda Pool (nee Connor) was named William Pool and was a white man, but from the testimony of a witness introduced by said applicants in support of their several claims, it appears that he was a Choctaw Indian. In view of this conflict in the testimony and in order that every possible right which the applicants may possess as Mississippi Choctaws shall be fully adjudicated, William Pool will be considered as one of the Choctaw ancestors through whom they claim their right to identification as such Mississippi Choctaws.

It further appears from the evidence submitted in support of said applications and from the records in the possession of the Commission that none of said applicants has ever been enrolled by the Choctaw tribal authorities as a member of the Choctaw tribe, or admitted to Choctaw citizenship by a duly constituted court or committee of the Choctaw Nation, or by the Commission to the Five Civilized Tribes, or by a decree of the United States Court in Indian Territory, under the provisions of the Act of Congress approved June 19, 1906 (34 Stat. 225),

It does not appear from the testimony and evidence offered in support of said applications, or from the records in the possession of the Commission relating to persons who complied or attempted to comply with the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and to persons who heretofore were claimants thereunder, that the said Amanda Pool (nee Connor) or William Pool, or an ancestor less remote, signified (in person or by proxy) to Colonel Wm. Ward, Indian Agent, Choctaw Agency, an intention to comply with the provisions of said article fourteen, or presented a claim to rights thereunder to either of the Commissions authorized to adjudicate such claims by the acts of Congress approved March 3, 1837 (5 Stats. 180) and August 23, 1842 (5 Stats. 513).

It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of William P. Pool, Thomas Jefferson Pool, Viola Pool, William P. Pool Jr., William Julia Pool, Martha E. Williamson, James Edgar Williamson, Eva Lee Williamson, Floyd D. Williamson, Julia J. C. Huddleston, Eva Estelle Huddleston, Roy S. Huddleston and Montary Pool as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the applications for their identification as such should be refused, and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES

(SIGNED)

James D. Dwyer

Acting Chairman

(SIGNED)

T. B. Needles

Commissioner

(SIGNED)

E. A. Brackinridge

Commissioner

Washington, Indian Territory

APR 14 1903

Miss. Chas. 5887
Miss. Chas. 5888

Muskogee, Indian Territory, July 15, 1902.

Thomas & Harrison,

Attorneys at Law,

Muskogee, Indian Territory,

Gentlemen:

Receipt is hereby acknowledged of your letter of the 10th instant, in which you request additional time in which to introduce additional testimony in Mississippi Choctaw cases, W. P. Pool, et al., and Martha E. Williamson, et al.

You state that these parties were allowed fifteen days from June 24, 1902, at the time of the making of their applications, in which to present additional testimony, and that they are unable to procure such testimony within that time.

In reply you are advised that you will be allowed thirty days from the date hereof in which to offer additional testimony in support of the claims of these applicants.

Yours truly,

Acting Chairman.

Muskogee, Indian Territory, August 18, 1902.

Thomas & Harrison,

Attorneys at Law,

Muskogee, Indian Territory.

Gentlemen:

Receipt is hereby acknowledged of your letter of the 15th inst. wherein you ask for a further extension of thirty days time in which to introduce additional evidence in the consolidated Mississippi Choctaw case, Number 5887, William O. Pool et al.

In compliance with your request you will be allowed until Wednesday, September 17, 1902, to introduce such additional testimony.

Yours truly,

Acting Chairman.

N.G.R. 8887.

Muskogee, Indian Territory, August 20, 1908.

Thomas A. Harrison,

Attorneys at Law,

Muskogee, Indian Territory.

Gentlemen:

Receipt is hereby acknowledged of your letter of the 19th inst., enclosing certified copies of marriage records between John G. Pool and Frances Mitchell, William P. Pool and Mary A. Evans and William P. Pool and Elvira Wallberg, offered for filing in support of the several applications included in the consolidated Mississippi Choctaw case N.G.R. 8887, William P. Pool, et al.

The same have been filed with the record in this case.

Yours truly,

Respectfully,
J. H. G. G. G.

COPY.

Muskogee, Indian Territory, April 14, 1903.

Mansfield, McMurray and Cornish,
Attorneys for Choctaw and Chickasaw Nations,
South McAlester, Indian Territory.

Gentlemen:

You are hereby advised that on the 14th day of April, 1903, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of William P. Pool, et al., embracing the following applications for identification as Mississippi Choctaws:

| | |
|---------------------------------|-------------|
| William P. Pool, et al., | M.C.R. 5887 |
| Martha E. Williamson, et al., | M.C.R. 5888 |
| Julia J. C. Huddleston, et al., | M.C.R. 5889 |

These applications were made under the provision of the act of Congress of June 28, 1898 (30 Stats., 495).

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of William P. Pool, Thomas Jefferson Pool, Viola Pool, William P. Pool Jr., William Julia Pool, Martha E. Williamson, James Edgar Williamson, Eva Lee Williamson, Floyd D. Williamson, Julia J. C. Huddleston, Osa Estelle Huddleston, Roy S. Huddleston and Montary Pool as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty and that the applications for their identification as such should be refused and it is so ordered."

You are further advised that the applicants in this case have been allowed fifteen days from the date hereof within which to

-2-

file arguments in this office, and that at the expiration of said time the papers in the case together with such arguments will be forwarded to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

(SIGNED)

James D. Dwyer
Chairman.

COPY

Muskogee, Indian Territory, April 14, 1903.

Thomas and Harrison,
Attorneys-at-Law,
Muskogee, Indian Territory.

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"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto and make report to the Secretary of the Interior."

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Respectfully,

Jams Dixby.
Chairman.

Registered.

COPY.

M.C.R. 5887

Muskogee, Indian Territory, April 14, 1903.

William P. Pool,
Omaha, Texas.

Dear Sir:

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| | |
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| William P. Pool, et al., | M.C.R. 5887 |
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| Julia J. C. Huddleston, et al., | M.C.R. 5889 |

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"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of William P. Pool, Thomas Jefferson Pool, Viola Pool, William P. Pool Jr., William Zulia Pool, Martha F. Williamson, James Edgar Williamson, Eva Lee Williamson, Floyd D. Williamson, Julia J. C. Huddleston, Osa Estelle Huddleston, Roy S. Huddleston and Montary Pool as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the applications for their identification as such should be

refused, and it is so ordered."

You are further advised that you will be allowed fifteen days from the date hereof within which to file arguments in this office, and that at the expiration of said time the papers in the case together with such arguments will be forwarded to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

Tams Dixby.
Chairman.

Registered.

COPY.

Muskogee, Indian Territory, April 30, 1903.

The Honorable,

The Secretary of the Interior.

Sir:

There is transmitted herewith the record in the consolidated case of William P. Pool, et al., applicants to the Commission for identification as Mississippi Choctaw, including the decision of the Commission of April 14, 1903.

The above consolidated case embraces the following original applications heard by the Commission:

William P. Pool, et al., M.C.R. 5887;
Martha A. Williamsen, et al., M.C.R. 5888;
Julia J. O. Huddleston, et al. M.C.R. 5889.

The Commission has the honor to report that the principal applicants in the several separate applications, their attorneys of record and the attorneys for the Choctaw and Chickasaw Nations have been duly advised by letter of the action of the Commission, copies of said letters being attached to the record.

Respectfully,

Through the
Commissioner of Indian Affairs.

2 Encs.: M.C.R. 5887.

(SIGNED).

Tame Dixby
Chairman.

M C R 5267

Muskogee, Indian Territory, May 4, 1903.

L. A. Love,

Attorney at Law,

Arapahoe, Oklahoma Territory.

Dear Sir:

Receipt is hereby acknowledged of your motion for a continuance in the consolidated Mississippi Choctaw case of William P. Pool, et al., in order that the applicants in said case might introduce additional testimony in support of their claims.

In reply you are informed that the record in this consolidated case was on April 30, 1903, forwarded to the Secretary of the Interior. Pending action thereon by him the Commission cannot receive or consider further evidence in support of said case.

The motion submitted by you is therefore herewith returned.

Respectfully,

Chairman.

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Land.
28532-1903.

COPY.

DEPARTMENT OF THE INTERIOR,
OFFICE OF INDIAN AFFAIRS,
WASHINGTON, July, 11, 1903.

The Honorable,
The Secretary of the Interior.

Sir:

There is transmitted herewith for Departmental action record of the Commission to the Five Civilized Tribes in the matter of the application of William T. Pool for himself and his three minor children, Thomas Jefferson, Viola and William T. Pool, Jr., and his minor cousin, William Julia Pool; by Martha E. Williamson for herself and her three minor children, James Edgar, Eva Lee and Floyd D. Williamson; and by Julia J. C. Riddleston for herself and her two minor children, Osa Estelle and Roy S. Riddleston, and her minor brother, Montary Pool, for identification as Mississippi Choctaws, wherein a decision rejecting the application was entered by the Commission on April 14, 1903.

The record in this case shows that the applicants predicate their claims to a right to identification on their descent from Amanda Pool, who was born Connor, who, it is claimed, was a full blood Choctaw Indian resident in Mississippi. As to whether she was a resident of the Choctaw Nation in Mississippi or Alabama in 1830, the witnesses are unable to testify, and they are also unable to give the name of a more remote ancestor, or as to the compliance or attempt at compliance of any Choctaw ancestor with the provisions

of the 14th article of the Choctaw treaty of 1830.

The applicants were rejected by the Commission for the reason that the name of Amanda Pool nee Connor and the name of William Pool, her husband, a white man, do not appear among the names of those persons who complied or attempted to comply with the provisions of the 14th article of the Choctaw treaty of 1830 or the subsequent legislation relative thereto.

An examination of the records of this office has been made with reference to the names of Amanda Connor, Amanda Pool and William Pool, and it is discovered that the names of these persons do not appear as having either complied or attempted to comply with the provisions of the 14th article of the Choctaw treaty of 1830 or the subsequent legislation relative thereto. I therefore recommend that the decision of the Commission rejecting the applicants be approved.

Very respectfully,

W. A. Jones,

Commissioner.

KBH-000.

D.C. 87354.
ITD. 5568-1903.
L.R.S.

WGP.
EAF.

DEPARTMENT OF THE INTERIOR,

WASHINGTON, September 28, 1903.

Commission to the Five Civilized Tribes,

Muskogee, I.T.

Gentlemen:

April 30, 1903, you transmitted the record in the matter of the application for identification as Mississippi Choctaws Indians, of William P. Pool, his minor children, Thomas Jefferson, Viola, and William P. Pool, Jr., and his minor cousin, William Julia Pool; of Martha E. Williamson and her minor children, James Edgar, Eva Lee, and Floyd D. Williamson; and of Julia J. C. Riddleston, and her minor children, Osa Estelle, and Roy S. Riddleston, and her minor brother, Montary Pool. Your decision rejecting the applicants was rendered April 14, 1903.

The applicants base their claims to a right to identification as Mississippi Indians on their descent from Amanda Pool, who is alleged to have been a full blood Choctaw Indian, and William Pool, who, it appears, was a white man, though one witness states that he was an Indian.

The record in this case as well as the records of the Indian Office, fails to show that any one of said ancestors of the applicants complied or attempted to comply with the provisions of

article 14 of the treaty of 1850, or with the subsequent acts of Congress relating thereto.

Reporting July 11, the Commissioner of Indian Affairs recommends approval of your decision; a copy of his letter is inclosed.

The Department concurs in said recommendation, and your decision is accordingly affirmed.

Respectfully,

Thos. Ryan,
Acting Secretary.

1 inclosure.

M.C.R. 5887

COPY.

Muskogee, Indian Territory, October 12, 1903.

William P. Pool,

Omaha, Texas.

Dear Sir:

You are hereby notified that on the 28th day of September, 1903, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of William P. Pool, et al., of which decision you were advised by registered mail on the 14th day of April, 1903.

Respectfully,

(P. 111)

Jame Bixby
Chairman.

M.C.R. 5887

Muskogee, Indian Territory, October 12, 1903.

Thomas and Harrison,

Attorneys at Law,

Muskogee, Indian Territory.

Gentlemen:

You are hereby notified that on the 28th day of September, 1903, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of William P. Pool, et al., of which decision you were advised by registered mail on the 14th day of April, 1903.

Respectfully,

(Signed)

James Bixby.
Chairman.

COPY.

M.C.R. 5857

Muskogee, Indian Territory, October 12, 1903.

Mansfield, McMurray & Cornish,
Attorneys for the Choctaw and Chickasaw Nations,
South McAlester, Indian Territory.

Gentlemen:

You are hereby notified that on the 28th day of September, 1903, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of William P. Pool, et al., of which decision you were advised by mail on the 14th day of April, 1903.

Respectfully,

(SIGNED)

Tame Bixby.
Chairman.

M C R 5887

Muskogee, Indian Territory, December 9, 1903.

M. L. Holcombe,
Attorney at Law,
Arapaho, Oklahoma.

Dear Sir:

Receipt is hereby acknowledged of your letter of the 5th instant, in which you state that you are preparing a motion for a rehearing in the Mississippi Choctaw case of William P. Pool, et al., and ask within what length of time these motions are required to be made; also what would be the cost of a copy of the testimony in said case.

In reply you are informed that there is no limit fixed for submitting motions to the Secretary of the Interior for rehearings in Mississippi Choctaw cases.

You are further advised that our records show Thomas A. Harrison to be the attorneys of record in the consolidated Mississippi Choctaw case of William P. Pool, et al., and if you obtain an order from them authorizing you to secure the copy of testimony furnished attorneys in such cases, the same will be furnished you free of charge; or, if you or some other reliable person authorized by you, desires to make a copy of such testimony, they will be

M L H 2

given access to our records for this purpose, but as to the cost
we are unable to advise you.

Respectfully,

Chairman.

MOR 5837

Muskogee, Indian Territory, July 29, 1905.

Holcombe & Snodgrass,
Attorneys at Law,
Arapaho, Oklahoma.

Gentlemen:

Receipt is hereby acknowledged of your letter of the 25th instant, in which you ask to whom should you make application to secure a rehearing in the Mississippi Choctaw case of William F. Pool, et al.

In reply you are informed that rehearings in Mississippi Choctaw cases are only granted in those cases where sufficient reason appears for so doing. Here statements contained in a letter are not sufficient to induce such action. Applicants are required to show that they, or some one of their ancestors, were citizens of the old Choctaw Nation in the States of Mississippi and Alabama in 1830 and heads of families, and, as such, complied or attempted to comply in person or by proxy, with the provisions of article 14 of the Choctaw treaty of September 27, 1830. A mere allegation that their ancestors so complied is not sufficient. The time of their application to be registered must also be shown, and the conversation or circumstances relating to it. In some cases this showing can be made directly by satisfactory evidence, either oral

H A S S

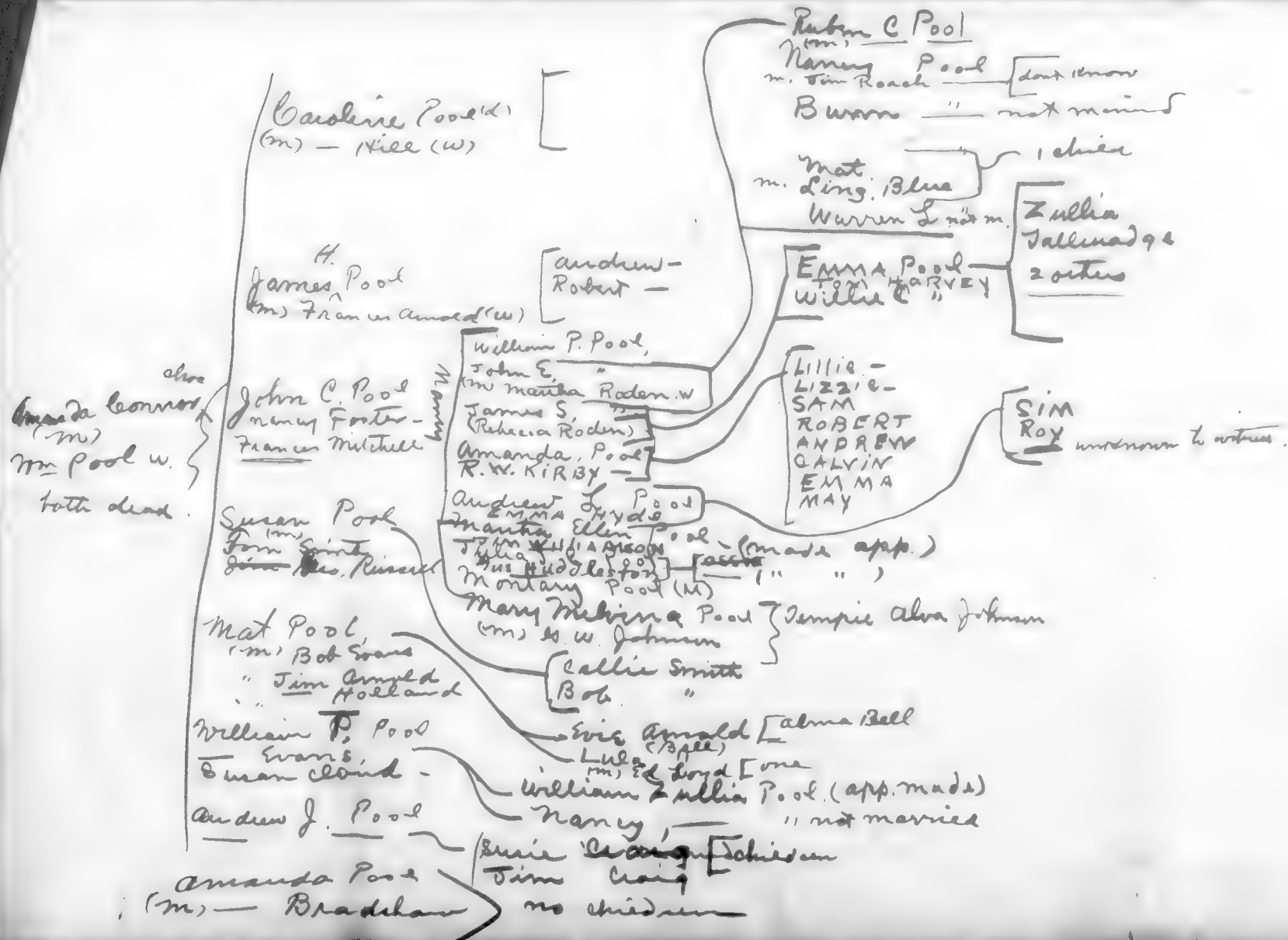
or documentary; in others the applicants can accomplish the same result by showing that an ancestor of theirs was identical in person with one of the original beneficiaries of said article 14, whose name appears as such in the records of the government.

In conclusion, however, as to identity can be reached in the absence of a full history of the applicants' ancestors, showing, as nearly as possible, their legal residence and family associations, also their Choctaw as well as their English names.

Petitions for rehearings should be addressed to the Secretary of the Interior, through the Commissioner to the Five Civilized Tribes, and should be in the form of, or accompanied by, the affidavits of the party in interest, setting forth by what testimony he expects to establish his claim, and containing the names of the witnesses who are expected to furnish the required testimony. Petitioners must also show how, when, and where said witnesses acquired their knowledge of the matters claimed to be expected that they will testify.

Respectfully,

Commissioner.



Caroline Pool D
married
Hill

James H Pool D
married
Frances Arnold

Andrew Pool
Robert Pool

with
5881 William P Pool 47 1/4

with
① Elvira Pool w. S
② Maria A Pool w.

Ann Eliza Pool
married
George W. Johnson
Robert C. Pool

with
5881 Thomas J. Pool 16
Viola Pool 12
William P Pool 10

Jack Johnson, 10
Luther Johnson, 4
Birdie C. Johnson, 2
Lester Pool

Amanda Connor, fl
married
William Pool w

John Connor Pool 1/2 D
married

① Nancy Foster 2
② Frances Mitchell L

John E. Pool
married
Martha Roden, w

Reuben C. Pool
Nancy Pool
married
Roach

Burn Pool
Mat Pool
married
Ling Blue
Warren L Pool

James S. Pool
married
Rebecca Roden

Emma Pool
married
Tom Haavey

Julia Haavey
Salomadge Haavey
Haavey
Haavey

Amanda Pool
married
R. W. Kirby

Lillie Kirby
Lizzie Kirby
Sam Kirby
Robert Kirby
Andrew Kirby
Calvin Kirby
Emma Kirby
Mary Kirby

Andrew L Pool
married
Emma Hyde

Sim Pool
Roy Pool

John Connor Pool, 1/2 D
(continued)
married
① Nancy Foster, seam
② Frances Mitchell, L

Martha E Pool 25 1/4
married
James W Williamson
Julia J C Pool 23 1/2
married
Gus Huddleston
Montary Pool, 19

James Edgar Williamson, 6
Eva Lee Williamson, 4
Floyd D Williamson, 1
Van Esten Huddleston, 3
Roy B Huddleston, 2

Amanda Connor 1/2 D
married
William Pool, w

Susan Pool
married
① John Smith
② George Russell

Cecilia Smith
Bob Smith

Mat Pool
married
① Bob Evans
② Holland

Eric Arnold
married
Bell
Lula Arnold
married
Ed Lloyd

Alma Bell

William T. Pool, 1/2 D
married
① Evans
② Susan Cloud D

Nancy Pool 25
William Julia Pool 15 1/4

Andrew J Pool

Ausie Pool
married
Jim Craig

Amanda J Pool
married
Bradshaw

For Identification as a Mississippi Choctaw.

Date JUN 26 1902

Name William P. Pool

Age 47 - Blood $\frac{1}{2}$

Post-Office, Omaha, Texas.

Father: John C. Pool. d

Mother: Nancy " d

Claimed through father -
wife (1)

Elvira S. Pool, (d), w.

wife (2) Maria A. Pool, l. w.
mother of 3 minor
children

Children:

~~Jessie~~

Thomas J. Pool, 16

Viola " F. 12

William P. " 10

Cousin of app. (114)

William Julia Pool, F. 15.

(father) William Thomas Pool, (d) $\frac{1}{2}$

(mother) Lucy (d) w

she claims this father

claims for 3 minors of her

and a cousin of her

her claim is

father W.

Choctaw MCR 5888

Martha E. Williamson

See MCR 5887

MCR 5888

Department of the Interior,
Commission to the Five Civilized Tribes.
Muskogee, I. T., June 26, 1902.

Pages.

In the matter of the application of Martha E. Williamson
for the identification of herself and her three minor children,
James Edgar, Eva Lee, and Floyd E. Williamson, as Mississippi
Choctaws.

Thomas A. Harrison, Attorneys for Applicant.

Martha E. Williamson being first duly sworn testifies as
follows:

Examination by the Commission.

- Q What is your name? A Martha E. Williamson.
Q What is your age? A Twenty-five.
Q What is your post office address? A Arapaho, Oklahoma.
Q How long have you lived there? A About seven years.
Q Where were you born? A Alabama.
Q Where in Alabama? A Marshall County.
Q You lived in Alabama how long? A I guess I was about 13 or
13 years old.
Q And then you went where? A To Texas.
Q How long did you live there? A About 3 or 4 years.
Q And then you went where? A Oklahoma.
Q And have been there since? A Yes sir.
Q Is your father living? A No sir.
Q Is your mother living? A Yes sir.
Q What was your father's name? A John Benner Pool.
Q What is your mother's name? A Frances Pool.
Q Through which parent do you claim Choctaw blood? A My father.
Q How much Choctaw blood do you claim? A One fourth.
Q Has your father ever been recognized or enrolled as a Choctaw
Indian by the Choctaw tribal authorities or the United States
authorities in the Indian Territory? A Not that I know of.
Q Have you the proof of the marriage of your father and mother
with you? A No sir.
Q Have you the license or a certified copy of it or the certifi-
cate of their marriage? A No sir.
Q Do you know when and where they were married? A No sir.
Q Are you married? A Yes sir.
Q What is your husband's name? A James E. Williamson.
Q Is he living? A Yes sir.
Q Is he Choctaw Indian or a white man? A White man.
Q Do you have any other children? A No sir.

- Q How many Children have you under age and unmarried? A Three.
 Q What is the name of the oldest? A James Edgar.
 Q How old is James Edgar? A Six years old.
 Q The next? A Eva Lee.
 Q How old? A Four years old.
 Q Next? A Floyd B.
 Q How old is Floyd? A One year old.
 Q Do you claim for yourself and children? A Yes sir.
 Q Is your name on any of the tribal rolls of the Choctaw Nation in the Indian Territory? A No sir.
 Q Have you ever made application for citizenship in the Choctaw Nation to the Choctaw tribal authorities in the Indian Territory? A No sir.
 Q Have you ever made application for citizenship in the Choctaw Nation to the Commission to the Five Civilized Tribes under the act of June 10, 1896? A No sir.
 Q Have you ever been admitted to citizenship with any of your children by either the Choctaw tribal authorities, the Commission to the Five Civilized Tribes or the United States Court in the Indian Territory? A No sir.
 Q This is the first application of any kind you have ever made for yourself and children for citizenship in the Choctaw Nation? A Yes sir.
 Q Do you now come before the Commission for the purpose of being identified and for the identification of these children as Mississippi Choctaws, claiming under article fourteen of the treaty of 1830? A Yes sir.
 Q Do you understand that article? A No sir.

The treaty of 1830 was made between the United States government and the Choctaw Indians at a place in Mississippi called Dancing Rabbit Creek on the 27th day of September, 1830. The object of the treaty was to remove as far as possible all of the Choctaw Indians who lived in the old Choctaw Nation east of the Mississippi river to the Choctaw Nation, Indian Territory; before the treaty was signed it became known that a good many of the Choctaw Indians would not go to the Choctaw Nation, Indian Territory, and in order to protect the interests of those Indians who stayed back in the old Choctaw Nation article fourteen was put into the treaty. That article is as follows:

"ARTICLE XIV. Each Choctaw head of a family being desirous to remain and become a citizen of the states shall be permitted to do so, by signifying his intention to the Agent within six months from the ratification of this treaty, and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land, to be bounded by sectional lines of survey; in like manner shall be entitled to one half that quantity for each unmarried child which is living with him over ten years of age, and a quarter section to such child as may be under ten years of age, to adjoin the location of the parent. If they reside upon said lands intending to become citizens of the states for five years after the ratification of this treaty, in that case, a grant in fee simple shall issue; said reservation shall include the present

improvement of the head of the family or a portion of it. Persons who claim under this article shall not lose the privilege of a Choctaw citizen, but if they ever remove are not entitled to any portion of the Choctaw annuity."

- Q You understand that now, don't you? A Why yes sir, I think I do.
- Q Do you know whether any of your ancestors complied or attempted to comply with article fourteen of the treaty of Dancing Rabbit Creek? A No sir I don't.
- Q What is the name of your ancestor through whom you claim your right to be identified as a Mississippi Choctaw? A Amanda Connor.
- Q Whom did she marry, what was the name of her husband? A William Pool.
- Q He was a white man was he? A Yes sir.
- Q What relation was Amanda Connor or Pool to you? A My grandmother.
- Q How much Choctaw blood did she have? A Full blood.
- Q Did she speak the Choctaw language? A I can not tell you.
- Q Did she live in Mississippi or Alabama in the old Choctaw Nation at any time? A I don't know.
- Q Can you give the name of any Choctaw ancestor of yours who lived in the old Choctaw Nation in 1830 and was the head of a family there then? A No sir.
- Q You claim through your father do you now? A Yes sir.
- Q Where was he born? A I can not tell you.
- Q Did he ever live in Mississippi? A I can not tell you that.
- Q Do you know whether you ever had an ancestor who ever lived in the old Choctaw Nation in Mississippi or Alabama? A No sir, I can't tell you.
- Q How do you know then that you have a right to make application as a Mississippi Choctaw? A Because I have heard my father say we were Indians.
- Q He might have been a Seminole, that would not make him a Choctaw? A Well, he said he was.
- Q Was what? A Mississippi Choctaw.
- Q What did you understand him to mean by that; that he was a Choctaw Indian and once lived in Mississippi and whose ancestors did? A Yes sir.
- Q Did your father ever tell you that he lived in Mississippi? A No sir.
- Q Did he ever tell you that his mother, Amanda, lived in Mississippi? A No sir, I was small when my mother father died.
- Q Did anybody in your family or any of your kin folks ever tell you that any of your Choctaw ancestors, your father, or grand father, or great grandfather, or grandmother or great grandmother, were Choctaw Indians who lived in Mississippi or Alabama in the old Choctaw Nation? A Nothing only what my oldest brother said.
- Q What did he say? A He said they lived in Mississippi.
- Q Who lived in Mississippi? A My father.
- Q How about your father's mother? A His mother.
- Q What about her? A He said she lived there.

- Q Was that Amanda Conner who married William Pool? A Yes sir.
- Q That is all you know about it? A Yes sir.
- Q Did you ever hear him say that she lived there in 1830 and had a family there then? A No sir.
- Q Did any of your Choctaw ancestors own any land or claim any land in the old Choctaw Nation in Mississippi or Alabama under article fourteen of the treaty of 1830? A Not that I know of.
- Q Did any of your Choctaw ancestors own any improvements on land in the old Choctaw Nation in 1830? A Not that I know of.
- Q Did any of your Choctaw ancestors within six months after the ratification of the treaty of 1830 go to the United States Indian Agent, Colonel Ward, and tell him that they wanted to stay in Mississippi, take land there and become citizens of the states? A I can not tell you.
- Q Did any of your Choctaw ancestors go from that old Choctaw Nation east of the Mississippi river to the Choctaw Nation, Indian Territory, with the other Indians between the years 1833 and 1838 or 1840? A I can not tell you that either.

The Choctaw Indians who lived in the old Choctaw Nation east of the Mississippi river and who elected to stay there after the treaty of 1830 was ratified were required if they wanted to take advantage of Article fourteen of the treaty of 1830, to go to the United States Indian Agent within six months after the ratification of the treaty of 1830, and tell him that they wanted to stay in Mississippi, take land there and become citizens of the states. A great many Choctaw Indians did this whose names Colonel Ward failed to put upon his list, known as "Ward's Register", and as a result of his negligence in this respect a great many Choctaw Indians who had lands in Mississippi and Alabama in the old Choctaw Nation upon which they had improvements lost both lands and improvements, which were taken from them by the government and sold at its public land sales. This caused so many complaints among the Indians that in 1837 by an act of Congress approved March 3rd of that year, a Commission was appointed, which went to Mississippi and heard claimants under article fourteen of the treaty of 1830. In 1842 another Commission was appointed by an act of Congress approved August 23rd of that year, and this Commission also went to Mississippi and heard claimants under article fourteen of the treaty of 1830.

- Q Did any of your Choctaw ancestors go before either of these two Commissions, that of 1837 or that of 1842, and claim any benefits as Choctaw Indians under article fourteen of that treaty? A Not that I know of.
- Q What relation is William P. Pool to you? A A half brother.
- Q Would you like to have his case and yours consolidated and considered together by the Commission? A Yes sir.

The case of William P. Pool, M. C. R. 5887, is here referred to for the purpose of consolidation.

- Q Do you speak the Choctaw language? A No sir.
- Q Did any of your Choctaw ancestors receive any script from the government which entitled them to select land in Mississippi, Alabama, Louisiana or Arkansas, to take the place of land which they once owned in the old Choctaw Nation, and which the gov-

- ernment had taken from them and sold? A Not that I know of.
 Q Have you any evidence of any kind that you wish to introduce now in support of this claim? A No sir.

BY MR HARRISON:

- Q What kin is Julia J. Q. Huddleston to you? A My sister.
 Q What kin is Montary Pool to you? A My brother.
 Q Did you know Mary Melvina Pool during her lifetime? A Yes sir, she was my sister.
 Q What you know about your Indian blood is what you have learned from your family history and tradition? A Yes sir.

BY THE COMMISSION: This applicant has the appearance and physical characteristics of being descended from white parentage, except she has black hair and black eyes, dark complexion; high cheek bones; she claims a quarter Choctaw blood; she is darker than one who is altogether of white parentage, and may have a strain of Indian blood; the Commission is unable to determine with certainty as to that fact, except that she is dark in hair, eyes and complexion as stated. She does not understand the Choctaw language and has no knowledge of the compliance on the part of her ancestors with the provisions of article fourteen of the treaty of 1850.

This applicant is allowed fifteen days time from this date in which to introduce any further testimony in support of this application.

W. H. Martin being first duly sworn on oath states that as stenographer to the Commission to the Five Civilized Tribes he recorded in full the above proceedings on the 26th day of June, 1902, and that the within and foregoing is a full, true and correct transcript of his stenographic notes in the same.

W. H. Martin

Subscribed and sworn to before me this 25 day of July, 1902.

Guy L. V. Emerson
 Notary Public.

Miss. Chas. 5887
Miss. Chas. 5888

Muskogee, Indian Territory, July 18, 1908.

Thomas & Harrison,
Attorneys at Law,
Muskogee, Indian Territory,
Gentlemen:

Receipt is hereby acknowledged of your letter of the 10th instant, in which you request additional time in which to introduce additional testimony in Mississippi Choctaw cases, W. P. Pool, et al., and Martha E. Williamson, et al.

You state that these parties were allowed fifteen days from June 26, 1908, at the time of the making of their applications, in which to present additional testimony, and that they are unable to procure such testimony within that time.

In reply you are advised that you will be allowed thirty days from the date hereof, in which to offer additional testimony in support of the claims of these applicants.

Yours truly,

Acting Chairman.

COPY

Muskogee, Indian Territory, April 14, 1903.

Martha E. Williamson,
Arapaho, Oklahoma.

Dear Madam:

You are hereby advised that on the 14th day of April, 1903, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of William P. Pool, et al., embracing the following applications for identification as Mississippi Choctaws:

| | |
|---------------------------------|-------------|
| William P. Pool, et al., | M.C.R. 5887 |
| Martha E. Williamson, et al., | M.C.R. 5888 |
| Julia J. C. Huddleston, et al., | M.C.R. 5889 |

These applications were made under the provision of the act of Congress of June 28, 1898 (30 Stats., 495) which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto and make report to the Secretary of the Interior."

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of William P. Pool, Thomas Jefferson Pool, Viola Pool, William P. Pool Jr., William Julia Pool, Martha E. Williamson, James Edgar Williamson, Eva Lee Williamson, Floyd D. Williamson, Julia J. C. Huddleston, Osa Estelle Huddleston, Roy S. Huddleston and Montary Pool as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty and that the applications for their identification as such should be refused, and it is so ordered."

-2-

You are further advised that you will be allowed fifteen days from the date hereof within which to file arguments in this office, and that at the expiration of said time the papers in the case together with such arguments will be forwarded to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

(SIGNED)

Tams Dixey.

Chairman.

Registered.

M C R 5886

Muskogee, Indian Territory, August 10, 1903.

M. L. Holcombe,
Attorney at Law,
Arapaho, Oklahoma.

Dear Sir:

Receipt is hereby acknowledged of your letter of the 5th instant, in which you ask that Martha E. Williamson be allowed to introduce further evidence in support of her application for the identification of herself and minor children as Mississippi Choctaws. You state "I would be glad to have you advise me in this particular and kindly send me the rules of practice and procedure before your Commission and the kind and sufficiency of evidence required in establishing claims and if you have in convenient form the treaty and acts of Congress relating to these matters."

In reply you are informed that it appears from our records that Martha E. Williamson made application to this Commission for the identification of herself and minor children as Mississippi Choctaws, which application was made a part of the consolidated Mississippi Choctaw case of William P. Pool, et al., and on April 30, 1903, the record in the case, together with the decision of the Commission refusing the applications of the several applicants included therein, was forwarded to the Secretary of the

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Interior. Pending action thereon by him the Commission cannot receive or consider further evidence in support of said case.

The Commission cannot render an opinion upon the sufficiency of evidence offered in support of Mississippi Choctaw applications. However, you are advised that the Commission requires of applicants for identification as Mississippi Choctaws that they not only show that they are possessed of Choctaw blood but that they must also show that they are descendants of Choctaw ancestors who resided in the old Choctaw Nation in the States of Mississippi and Alabama in 1830, and that such ancestors complied or attempted to comply with the provisions of the 14th article of the Choctaw treaty of 1830, or subsequently had their claims arising thereunder adjudicated by either of the two Commissions authorized for this purpose by the acts of Congress of March 3, 1837 and August 31, 1842.

A copy of the regulations governing the recognition of agents and attorneys before the Commission to the Five Civilized Tribes and Land Offices, attorney's oath, and copy of the Choctaw-Chickasaw supplemental agreement are herewith enclosed.

Respectfully,

COPY.

M.C.R. 5888

Muskogee, Indian Territory, October 12, 1903.

Martha E. Williamson,
Arapaho, Oklahoma Territory.

Dear Madam:

You are hereby notified that on the 28th day of September, 1903, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of William P. Pool, et al., of which decision you were advised by registered mail on the 14th day of April, 1903.

Respectfully,

(SIGNED)

Tams Bixby.

Chairman

M C R 5888

Muskogee, Indian Territory, October 17, 1903.

M. L. Holcombe,
Attorney at Law,
Arapaho, Oklahoma.

Dear Sir:

Receipt is hereby acknowledged of your letter of the 7th instant, in which you ask if you can now file further proof in support of the Mississippi Choctaw case of Martha E. Williamson, et al. You also ask for a copy of the Choctaw treaty of 1830, and the subsequent Acts of Congress of March 3, 1837 and August 23, 1842.

In reply you are informed that it appears from our records that on September 28, 1903, the Secretary of the Interior approved the decision of the Commission refusing the application made by Martha E. Williamson for the identification of herself and minor children as Mississippi Choctaws, of which departmental action she was duly notified on October 12, 1903.

The Commission now considers this case closed and cannot receive or consider any further evidence in support thereof.

You are further informed that the Commission has no copies of the Choctaw treaty of 1830 or the subsequent Acts of

M L H 2

Congress above referred to, for distribution.

Respectfully,

Commissioner in Charge.

M C R 5888

Muskogee, Indian Territory, October 22, 1903.

M. L. Holcombe,
Arapaho, Oklahoma.

Dear Sir:

Receipt is hereby acknowledged of your letter of the 15th instant, in which you state that since the Secretary of the Interior has affirmed the decision of the Commission refusing the application made by Martha M. Williamson for the identification of herself and minor children as Mississippi Choctaws, you desire to offer further testimony in support of her claim.

In reply you are informed that motions for rehearings are granted in those cases where sufficient reason appears for so doing. Mere statements contained in a letter are not sufficient to induce such action. Applicants are required to show that they, or some one of their ancestors, were citizens of the Choctaw Nation in 1830 and heads of families, and, as such, complied or attempted to comply in person or by proxy, with the provisions of article 14 of the treaty of September 27, 1830. A mere allegation that their ancestors so complied is not sufficient; the time of their application to be registered must also be shown, and the circumstances or circumstances relating to it. In some cases this showing can be made directly by satisfactory evidence, either oral or documentary;

M L H 2

in others the applicants can accomplish the same results by showing that an ancestor of theirs was identical in person with one of the original beneficiaries of said article 14, whose name appears as such in the records of the government. No conclusion, however, as to identity can be reached in the absence of a full history of the applicants' ancestors, showing, as nearly as possible, their legal residence and family associations, also their Choctaw as well as their English names.

Petitions for rehearings should be addressed to the Secretary of the Interior, through the Commission to the Five Civilized Tribes, and should be in the form of, or accompanied by, the affidavits of the party in interest, setting forth by what testimony he expects to establish his claim, and containing the names of the witnesses who are expected to furnish the required testimony. Petitioners must also show how, when, and where said witnesses acquired their knowledge of the matters whereof it is expected they will testify.

Respectfully,

Commissioner in Charge.

For Identification as a Mississippi Choctaw.

Date

JUN 26 1902

Name Martha E. Williamson

Age 25- Blood 1/4

Post-Office, Arapahoe, Okla.

Father: John C. Pool --- d.

Mother: Frances Pool --- b.

Claims through

husband, E. father - - - - -

James W. Williamson, l. w.

No claim for husband

Children:

James Edgar Williamson, 6

Eva Lee " 4

Floyd R. " 1

Claims for self and children

Stenographer W. H. Martin -

Choctaw MCR 5889

Julia J. C. Huddleston

See MCR 5887

MCR 5889

Department of the Interior,
Commission to the Five Civilized Tribes.
Muskogee, I. T., June 26, 1902.

5389.

In the matter of the application of Julia J. G. Huddleston,
et al., for identification as Mississippi Choctaws.

Thomas A. Harrison, Attorneys for Applicants.

Frances E. Pool being called as a witness by applicants
after being first duly sworn testifies as follows:

Examination by the Commission.

- Q What is your name? A Frances E. Pool.
Q What is your age? A Somewhere in sixty, I really do not know.
Q You are a white woman are you not? A Yes sir, always claimed
it.
Q And the wife of John G. Pool, now deceased? A Yes sir.
Q He was part Choctaw blood? A Yes sir.
Q Your daughter, Julia J. G. Huddleston, has just made applica-
tion to be identified as a Mississippi Choctaw, and also made
application for her brother, Montary Pool, that is your son?
A Yes sir.
Q Julia J. G. Huddleston and Montary Pool are full brother and
sister? A Yes sir.
Q Do you give your full and free consent that Julia J. G. Hud-
dleston should make this application for Montary Pool? A Yes
sir.
Q You would like to have it made just this way by her? A Yes
sir.

W. H. Martin being first duly sworn on oath states that
as stenographer to the Commission to the Five Civilized Tribes
he recorded in full the above proceedings on the 26th day of
June, 1902, and that the foregoing is a full, true and correct
transcript of his stenographic notes in the same.

Subscribed and sworn to before me this 27th day of July, 1902.

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I.T., June 26, 1903.

#5889.

In the matter of the application of Julia J. G. Huddleston
for the identification of herself, her two minor children, Essie
Estelle and Roy B. Huddleston, and her minor brother, Montary
Pool, as Mississippi Choctaws.

Thomas & Harrison, Attorneys for Applicant.

Julia J. G. Huddleston after being first duly sworn testifies
as follows:

Examination by the Commission.

- Q What is your name? A Julia J. G. Huddleston.
Q What is your age? A Twenty-three.
Q What is your post office address? A Arapaho, Oklahoma,
Custer County.
Q How long have you lived there? A Seven years.
Q Where did you live before that? A I came from Texas to
Oklahoma.
Q Where were you born? A In Alabama.
Q What place? A Marshal County.
Q And from Alabama you went where? A To Texas.
Q And from there to Oklahoma? A Yes sir.
Q Is your father living? A No sir.
Q Is your mother living? A Yes sir.
Q What was your father's name? A John Connor Pool.
Q What is your mother's name? A Frances Pool.
Q Through which parent do you claim Choctaw blood? A My father.
Q How much do you claim? A A quarter.
Q Has your father ever been recognized or enrolled as a Choctaw
Indian by the Choctaw tribal authorities or the United States
authorities in the Indian Territory? A I don't know.
Q Are you married? A No sir.
Q Have you the proof of the marriage of your father and mother
here now? A No sir.
Q What is your mother's name? A Essie Huddleston.
Q Is he living? A Yes sir.
Q What race or Indian? A White man.
Q Do you claim anything for him? A No sir.
Q Have you any children you want to have application for?
Q Yes sir.
Q What is the name of the eldest? A Essie Estelle Huddleston.

2

- Q How old is she? A Four years old in March, she is past three now.
- Q She is three years old now is she? A Yes sir.
- Q Is that all the children you have? A Roy B. Huddleston.
- Q How old is he? A Two years old.
- Q Is that all? A Yes sir.
- Q You claim for yourself and two children? A Yes sir.
- Q Is Gus Huddleston the father of these children? A Yes sir.
- Q Are you living with him at your home and are these children living with you there? A Yes sir.
- Q When and where were you married to your husband?

MR HARRISON, Attorney for applicant: There is one other child, reference to which was made in the other testimony, who is living with her and who is a minor. She also wants to register that child, Montary Pool.

THE COMMISSION:

- Q What relation is Montary Pool to you? A My brother.
- Q His mother is living? A Yes sir.
- Q Is she living with you? A Yes sir.
- Q Does she want you to make this application for her son? A Yes sir.
- Q You have no authority with you today from her authorizing you to make this application, but she asked you to do it? A Yes sir.
- Q What is the name of this brother of yours? A Montary Pool.
- Q How old is Montary? A He is nineteen.
- Q His father's name is John O. Pool? A Yes sir.
- Q And his mother? A Frances Pool.
- Q Is she present? A Yes sir.
- Q You say your brother Montary lives with you? A Yes sir.
- Q His father has been dead about how long? A About eighteen years.
- Q And his mother is living with you at your home? A Yes sir.
- Q She has given her consent has she for you to make this application for her son, your brother? A Yes sir.
- Q Is your name or the name of your brother on any of the tribal rolls of the Choctaw Nation in the Indian Territory? A I don't know.
- Q You are not enrolled as an Indian are you? A No sir.
- Q Have you ever made application or has anyone ever made application for your brother, Montary Pool, for citizenship in the Choctaw Nation to the Choctaw tribal authorities in the Indian Territory? A No sir.
- Q Has anyone ever made application either for you or for him for citizenship in the Choctaw Nation to the House Commission under the act of Congress of June 10, 1907? A No sir.
- Q Have you, or has your brother, Montary Pool, ever made application to citizenship in the Choctaw Nation to the Choctaw tribal authorities, the Commission, or the House Commission under the act of Congress of June 10, 1907? A No sir.
- Q Is this the last application you have made for citizenship in the Choctaw Nation to the Choctaw tribal authorities, the Commission, or the House Commission under the act of Congress of June 10, 1907? A Yes sir.

- Q Do you now come before the Commission to be identified and to identify your two minor children and your brother as Mississippi Choctaws, claiming under article fourteen of the treaty of 1830? A Yes sir.
- Q Do you understand that article of that treaty? A I think I do.
- Q Would you like to have it explained any further or do you understand it well enough now? A Yes sir.

It reads as follows:

"ARTICLE XIV. Each Choctaw head of a family being desirous to remain and become a citizen of the states shall be permitted to do so by signifying his intention to the Agent within six months from the ratification of this treaty, and he or she shall thereupon be entitled to a reservation of six one section of six hundred and forty acres of land, to be bounded by sectional lines of survey; in like manner shall be entitled to one half that quantity for each unmarried child which is living with him over ten years of age, and a quarter section to such child as may be under ten years of age, to adjoin the location of the parent. If the reside upon said lands intending to become citizens of the states for five years after the ratification of this treaty, in that case, a grant in fee simple shall issue. Said reservation shall include the present improvement of the head of the family or a portion of it. Persons who claim under this article shall not lose the privilege of a Choctaw citizen, but if they ever remove are not entitled to any portion of the Choctaw annuity."

- Q Do you know whether any of your Choctaw ancestors complied or attempted to comply with article fourteen of the treaty of 1830? A No sir, I don't.
- Q You understand that article now? A Yes sir.
- Q What is the name of your ancestor through whom you claim your right to be identified as a Mississippi Choctaw? A Amanda Connor.
- Q Whom did she marry? A William Pool.
- Q A white man? A Yes sir.
- Q What relation was Amanda Pool to you? A My grandmother.
- Q How much Choctaw blood did she have? A A full blood.
- Q Did she live in Mississippi in 1830 or in Alabama in the old Choctaw Nation? A I don't know.
- Q Did she ever live in the old Choctaw Nation,-- did you ever hear them say, any member of your family, that she did? A I have heard my brother and them say they lived in Mississippi.
- Q Heard your brother say who lived in Mississippi? A Grandfather.
- Q William Pool? A Yes sir.
- Q Did you ever hear anybody say that his wife, Amanda, did? A Nobody but the home folks.
- Q Who of the home folks did you hear say so? A My brother.
- Q Did you ever hear any of your kin folks say that Amanda Pool lived in the old Choctaw Nation in Mississippi in 1830 and had

- Q. A Sunday School? A. No sir, not Sunday School.
Q. Would you send any of your children members here to the
our Christian Union in 1887? A. No sir.
Q. You don't think your father or you are? A. No sir.
Q. Is he ever here in church? A. I don't know.
Q. Where did he die? A. In England.
Q. Is the old Christian Union? A. In Northallerton, England.
Q. Do you know where the Northallerton is now in England? A. No
sir, I don't.
Q. Do you know how long he lived in England? A. No sir.
Q. Did any of your children members or any part of either my
land in the old Christian Union in Northallerton or England under
any of the names of the year of 1887? A. I don't know.
Q. In any of your father's old members after the establishment of
the Society of 1887 go to the Northallerton Union, England,
Ward, and tell him that they wanted to stay in Northallerton,
then send them and transfer members of the society? A. I don't
know.
Q. Did any of your children members go over that old Christian Union
after death of the Christian Union in the Northallerton, England
Territory, with the other children members and are now in
England? A. No sir.
Q. But he mentioned? A. No sir.
Q. What are the names of those children members and are now in
John Brown.
Q. Where did they live? A. I don't know.
Q. Did you ever hear that any of your children members lived in
Northallerton or lived in Northallerton or England in the old
Christian Union in 1887? A. I don't know.

The American Embassy was closed last to the old American
Embassy in Washington and others after the Treaty of 1892 was
concluded were treated in they wanted to take advantage of
British agents, Edward Ward, within the walls of the
Minister of the Treaty, and told him that they wanted to stay
in Washington, they had there and have others of the
same. A good very American Embassy of the same kind
and had registered to get out in that time in "The
Register", and the Embassy in it at least a good very British
who lived in the old American Embassy and told him that they
wanted they had importance to have both and not separately,
both were taken down from by the government and sent to the
British land office. This caused an angry complaint among the
British that in 1897 by an act of Congress approved March 2d
of that year a Commission was appointed by Congress which went
to "investigate and report" especially under article 10 of
the Treaty of 1892. In 1897 another Commission was appointed
under an act of Congress approved March 2d of that year. This
Commission also went to Washington and had a conference with
British agents of the Treaty of 1892.

- THE NEW YORK TIMES REPORTED ON JANUARY 19, 1963, THAT THE GOVERNMENT WAS ABOUT TO REVEAL THE NAMES OF THE INDIVIDUALS WHO HAD BEEN IN CONTACT WITH THE PRESIDENT DURING HIS VISIT TO NEW YORK CITY. THE NEW YORK TIMES REPORTED THAT THE NAMES OF THE INDIVIDUALS WHO HAD BEEN IN CONTACT WITH THE PRESIDENT DURING HIS VISIT TO NEW YORK CITY WERE BEING REVEALED TO THE PUBLIC. THE NEW YORK TIMES REPORTED THAT THE NAMES OF THE INDIVIDUALS WHO HAD BEEN IN CONTACT WITH THE PRESIDENT DURING HIS VISIT TO NEW YORK CITY WERE BEING REVEALED TO THE PUBLIC.

THE HISTORY OF THE UNITED STATES

The history of the United States is a story of growth and development. It begins with the first settlers who came to the continent in search of a new home. They found a land of vast resources and opportunities, but also one of many challenges. Over time, the settlers grew into a nation, and the United States emerged as a powerful force in the world.

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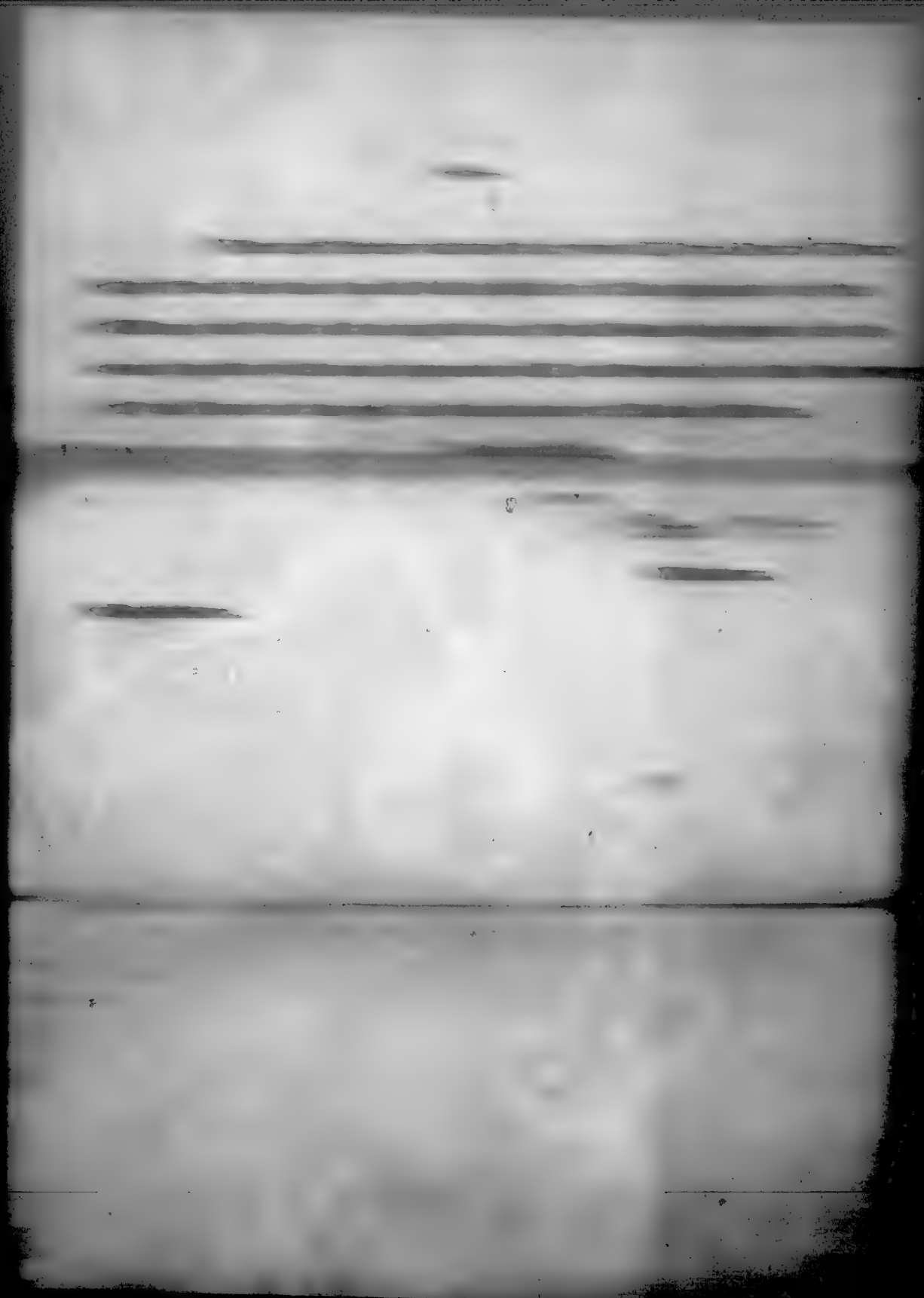
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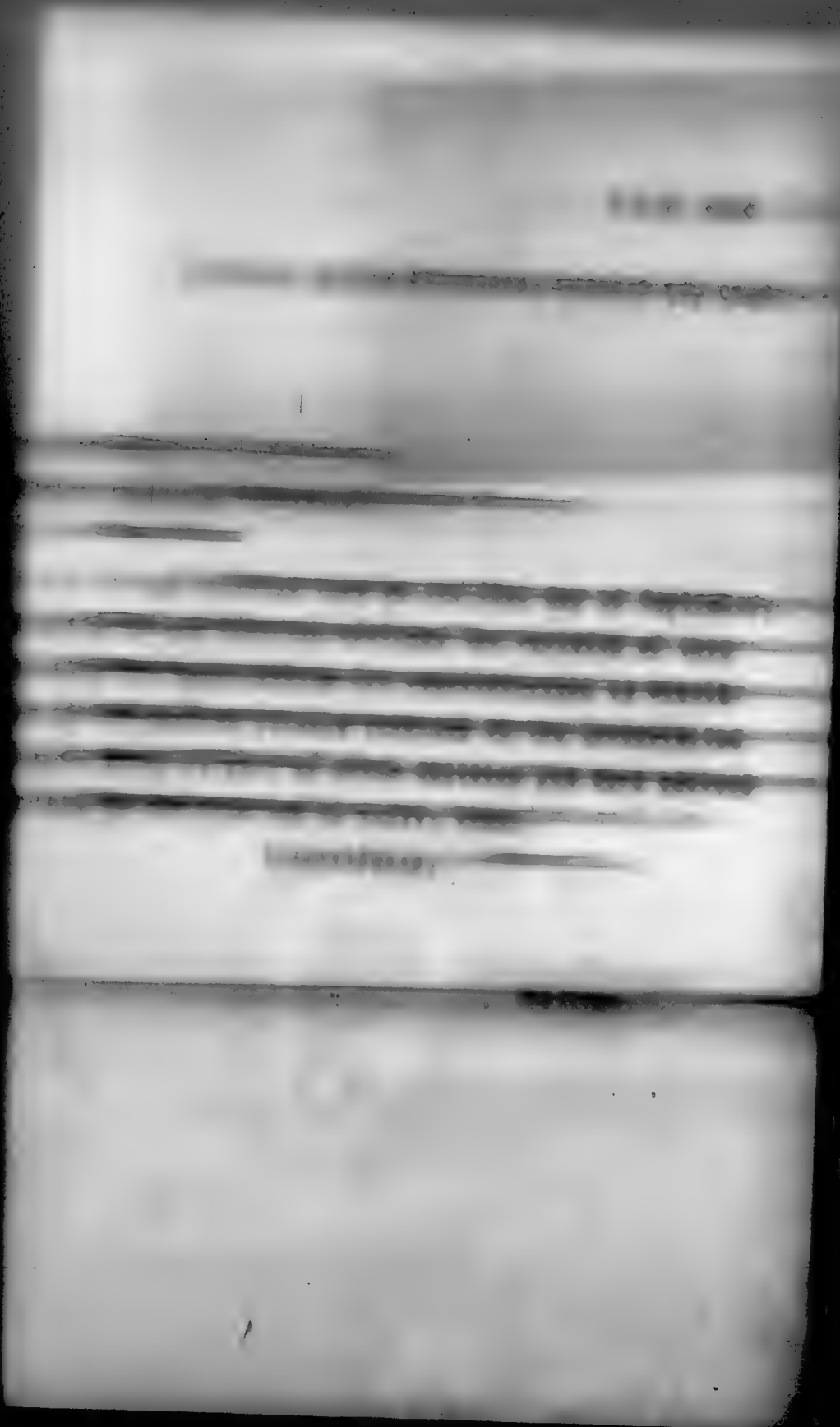
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To the Honorable the Secretary of the Treasury

Cashier of the United States Bank

Washington, D.C.

Dear Sir:

I have the honor

to acknowledge

the receipt of your

check of \$100.00

for the sum of \$100.00

and to inform you

that the same

has been duly cashed

and the amount

is being retained

in the Treasury

for your use

Very respectfully,

Wm. H. Wood

Director MRC 5870

May 1964

See MRC 5870

MRC 5870

Department of the Interior,
Commission to the Five Civilized Tribes,
Washoe, I. T., June 25, 1903.

Answer.

In the matter of the application of Mary Barnes for the
Recognition of herself and her four minor children, Willie
S. Barnes, Walter B. Barnes, Ethel B. Barnes, and Nettie C. Barnes,
as Shoshone Indians.

Mary Barnes after being first duly sworn testifies as
follows:

Examination by the Commissioner.

- Q What is your name? A Mary Barnes.
Q What is your age? A Twenty-eight.
Q What is your present office address? A Fort Smith, Arkansas.
Q How long have you lived there? A About thirteen years.
Q Where did you live before that? A Joplin, Missouri.
Q Have you been in Missouri? A Yes sir.
Q And lived there until you went to Arkansas? A Yes sir.
Q Is your father living? A Yes sir.
Q Is your mother living? A Yes sir.
Q What is your father's name? A W. F. Roy.
Q What is your mother's name? A Margaret Jane Roy.
Q Through which parent do you claim Shoshone blood? A Mother.
Q How much Shoshone blood do you claim? A One-eighth I believe.
Q Has your mother ever been recognized or enrolled as a Shoshone
Indian by the Shoshone tribal authorities or the United States
authorities in the Indian Territory? A No sir.
Q Are you married? A Yes sir.
Q What is your husband's name? A B. E. Barnes.
Q Is he living? A Yes sir.
Q Is he Shoshone Indian or white man? A Yes sir, white man.
Q Do you make any claim for him? A No sir.
Q Please give me the names of your children, commencing with the
oldest? A Willie S. Barnes.
Q Is B. E. Barnes your present husband? A Yes sir.
Q What is the name of your first husband? A Stephen Elkins.
Q Is he living? A No sir.
Q How long was married to him? A Yes sir.
Q Was he a white man or Shoshone Indian? A White man.
Q How old is Willie S. Barnes? A He is about three years
old.
Q How old is Walter B. Barnes? A About two years.
Q How old is Ethel B. Barnes? A About one year.
Q How old is Nettie C. Barnes? A About six months.
Q How long have you lived with B. E. Barnes? A About
thirteen years.
Q How long have you lived in Fort Smith, Arkansas? A About
thirteen years.
Q How long have you lived in Joplin, Missouri? A About
thirteen years.
Q How long have you lived in Washoe, I. T.? A About
thirteen years.

- Q They derive their Choctaw blood through you? A Yes sir.
- Q Are Ethel M. Barnes and Metta O. Barnes the children of yourself and your last husband? A Yes sir.
- Q Are these children all living with you at your home? A Yes sir.
- Q Is your name or the name of any of these children on any of the Choctaw tribal rolls in the Indian Territory? A No sir.
- Q Have you ever made application for citizenship in the Choctaw Nation for yourself and children to the Choctaw tribal authorities in the Indian Territory? A No sir.
- Q Have you ever made application for citizenship in the Choctaw Nation for yourself and children to the Commission to the Five Civilized Tribes under the act of Congress of June 10, 1896? A No sir.
- Q Is this the first application you have ever made for citizenship for yourself and children in the Choctaw Nation either to the Choctaw tribal authorities or the United States authorities in the Indian Territory? A Yes sir.
- Q Have you ever been admitted to citizenship in the Choctaw Nation by either the Choctaw tribal authorities, the Commission to the Five Civilized Tribes, or the United States Court in the Indian Territory? A No sir.
- Q Do you now come before the Commission to identify yourself and these minor children as Mississippi Choctaws, claiming under article fourteen of the treaty of 1830? A Yes sir.
- Q Do you understand that article? A No sir.

The treaty of 1830 was made between the United States government and the Choctaw Indians at a place in Mississippi called Dandling Rabbit Creek on the 27th day of September, 1830. And was made for the purpose of removing as far as possible all the Choctaw Indians who lived in the old Choctaw Nation east of the Mississippi river to the Choctaw Nation, Indian Territory. Before the treaty was signed it became known that a good many Choctaw Indians would not go to the Choctaw Nation, Indian Territory, with the other Indians under the treaty, and in order to protect the interests of those who remained something had to be put into the treaty before it could be signed, so article fourteen was drafted and inserted in the treaty for the especial benefit of the Choctaw Indians who remained in Mississippi after the treaty was ratified. That article is as follows:

"ARTICLE XIV. Each Choctaw head of a family being desirous to remain and become a citizen of the states shall be permitted to do so by signifying his intention to the Agent within six months from the ratification of this treaty, and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land, to be bounded by sectional lines of survey; in like manner shall be entitled to one half that quantity for each unmarried child which is living with him over ten years of age, and a quarter section to such child as may be under ten years of age, to be in the possession of the parent. If they reside upon said land intending to become citizens of the states for five years after the ratification of this treaty, in that case, a grant in fee simple shall issue; said reservation shall include the present improvement of the land of the family or a portion of it. Persons who claim under this article shall not lose the privi-

legs of a Choctaw citizen, but if they ever remove are not entitled to any portion of the Choctaw annuity."

- Q Do you know whether any of your Choctaw ancestors complied or attempted to comply in any manner with that article fourteen of the treaty of 1830? A No sir.
- Q You understand that article now do you? A Yes sir.
- Q What is the name of your ancestor through whom you claim your right to be identified as a Mississippi Choctaw? A Margaret Jane Roy.
- Q That is your mother? A Yes sir.
- Q Can you give any ancestor further back than that? A No sir I can't.
- Q Can you tell whether your mother claimed through her father or mother? A Her father.
- Q What was her father's name? A George Washington Lock.
- Q He claimed through whom, father or mother? A I do not know.
- Q George Washington Lock lived where at the time he was born, and after that? A I don't know.
- Q Do you know whether he ever lived in Mississippi or Alabama? A No sir.
- Q Do you know of any Choctaw ancestor of yours who ever did live in that old Choctaw Nation in Mississippi or Alabama? A No sir.
- Q You of your own knowledge then are unable to state whether you have a right to make application as a Mississippi Choctaw? A My mother claims that her father was a Mississippi Choctaw.
- Q Has she made application here before the Commission to be identified as a Mississippi Choctaw? A Yes sir.
- Q And although you don't know anything about it you depend upon her testimony and the testimony of other relatives who have been here? A Yes sir.
- Q Where was George Washington Lock born? A I don't know.
- Q Where did he die? A I can't say.
- Q How old would he be if he were living now? A I don't know.
- Q Where did he live at any time of his life? A I don't remember.
- Q What relation is he to you? A My grandfather.
- Q Your mother's father? A Yes sir.
- Q How much Choctaw blood did he have? A One half I believe.
- Q You are unable to state, then, whether he lived in Mississippi or Alabama in 1830 and was the head of a family there then? A Yes sir.
- Q Or any other ancestors of yours? A Yes sir.
- Q George Washington Lock was the father of Margaret J. Roy? A Yes sir.
- Q Did you ever hear who the father of George Washington Lock was? A No sir.
- Q Do you remember the date when your mother, Margaret J. Roy, made application to be identified as a Mississippi Choctaw? A No sir.

The records of the Commission show that she applied on June 14th, 1902.

- Q Do you want to have your case consolidated with hers, and also with other relatives who have applied to be identified as Mississippi Choctaws, claiming through the same common ancestor? A Yes sir.

The case of Margaret J. Roy, M. C. R. 5768, is here referred to for the purpose of consolidation.

- Q Did any of your Choctaw ancestors own any land or claim any land in the old Choctaw Nation in Mississippi or Alabama under article fourteen of the treaty of 1830? A No sir.
- Q Did any of them go from that old Choctaw Nation east of the Mississippi river to the Choctaw Nation, Indian Territory, with the other Indians between 1833 and 1838 or 1840? A Not that I know of.
- Q Did any of them within six months after the ratification of the treaty of 1830 go to the United States Indian Agent, Colonel Ward, and tell him that they wanted to stay in Mississippi, take land there and become citizens of the states? A I don't know.
- Q Did any of your Choctaw ancestors own any improvements on land in the old Choctaw Nation in 1830? A No sir, not that I know of.

The Choctaw Indians who stayed back in the old Choctaw Nation after the treaty of 1830 was ratified were required if they wanted to take advantage of article fourteen of the treaty of 1830 to go to the United States Indian Agent, Colonel Ward, within six months from the ratification of the treaty, and tell him that they wanted to stay in Mississippi, take land there and become citizens of the states. A great many Choctaw Indians did this whose names Colonel Ward failed to put upon his list, known as Ward's Register. His failure to do so caused a good many Indians who had land in Mississippi upon which they had improvements to lose both their land and improvements, both

were taken from them by the government and sold at its public land sales. This caused so many complaints among the Choctaw Indians living in Mississippi and Alabama, that Congress appointed two commissions, one in 1837 and one in 1842. These commissions went to Mississippi, and heard claimants under article fourteen of the treaty of 1830, and adjudicated or passed upon their claims.

- Q Do you know if any of your Choctaw ancestors went before the Commission of 1837 or the Commission of 1842 and claimed any benefits under article fourteen of the treaty of 1830? A No sir.
- Q Did you ever hear if any of your Choctaw ancestors received any script from the government which entitled them to select land in Mississippi, Alabama, Louisiana or Arkansas? A No sir.

This script was issued under an act of Congress approved August 23rd, 1842, and was given to those Choctaw Indians who proved first that they had complied with article fourteen of the treaty of 1830, and second that their land had been taken from them by the government and sold.

- Q Do you speak the Choctaw language? A No sir.
- Q Have you any further evidence that you would like to present now in support of this claim? A No sir, not now.

- Q Would you like a little time in which to introduce further testimony in this case? A No sir.
- Q Is there anything more you want to say in support of this application? A No sir, thats all.

This applicant has the appearance and physical characteristics of being descended from white parentage; brown hair; medium dark complexion; brown eyes; she has no knowledge of the Choctaw language and no knowledge of the compliance on the part of her ancestors with any of the provisions of article 14 of the treaty of 1830.

W. H. Martin being first duly sworn on oath states that as stenographer to the Commission to the Five Civilized Tribes he recorded in full the above proceedings on the 26th day of June, 1902, and that the within and foregoing is a true, full and correct transcript of his stenographic notes in the same.

W. H. Martin

Subscribed and sworn to before me this 14 day of July, 1902.

Guy L. V. Emerson
Notary Public.

M.C.R. 5890

Muskogee, Indian Territory, January 14, 1903.

Mary Barnes,

Port Smith, Arkansas.

Dear Madam:

You are hereby advised that on the 14th day of January, 1903, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Margaret Jane Roy, et al., embracing the following applications for identification as Mississippi Choctaws:

| | |
|----------------------------------|-------------|
| Margaret Jane Roy, | M.C.R. 5756 |
| George Washington Clark, et al., | M.C.R. 5891 |
| William Washington Roy, et al., | M.C.R. 5836 |
| Levi Pinckney Roy, | M.C.R. 5767 |
| Thomas Roy, et al., | M.C.R. 5837 |
| John James Roy, et al., | M.C.R. 5838 |
| Mary Barnes, et al., | M.C.R. 5890 |
| Hannah Rebecca Ann Coleman, | M.C.R. 4768 |

These applications were made under the provision of the act of Congress of June 23, 1898 (30 Stats., 498) which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto and make report to the Secretary of the Interior."

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Margaret Jane Roy, George Washington Clark, Ruth Clark, William Washington Roy, John T. Roy, William Albert Roy, Levi Pinckney Roy, Thomas Roy, Eddie Roy, Pearlis Roy, John James Roy, Bessie Viola Roy, Mona Lucille Roy, Kenneth Brookshire Roy, Mary Barnes, Willie S. Tibado, Walter D. Tibado, Ethel M. Barnes, Matto O. Barnes and Hannah Rebecca Ann Coleman as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the applications for their identification as such should be refused, and it is so ordered."

You are further advised that you will be allowed fifteen days from the date hereof within which to file arguments in this office, and that at the expiration of said time the papers in the case together with such arguments will be forwarded to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

Acting Chairman.

Registered.

M.C.R. 5890

COPY.

Muskogee, Indian Territory, March 20, 1903.

Mary Barnes,

Fort Smith, Arkansas.

Dear Madam:

You are hereby notified that on the 10th day of March, 1903, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Margaret Jane Roy, et al., of which decision you were advised by registered mail on the 14th day of January, 1903.

Respectfully,

SIGNED

Tams Dixby

Chairman.

No. 5890

For Identification as a Mississippi Choctaw.

Date JUN 21 1902

Name Mary Barnes.

Age 28 Blood 1/8

Post-Office, Fort Smith, Ark.

Father: W. F. Roy. — l.

Mother: Margaret J. — l.

Claims through mother
husband, (2)
H. H. Barnes. — l. w.
husband (1), Stephen Tibado, id. is
No claim for
husband.

Children:

Willie S. Tibado, 11

Walter H. " 7

Ethel M. Barnes, F 4

Metto C. " F 2

Claims for self &
4 children

Prepared by H. H. Martin

Choctaw MCR 5891

George W. Clark

by

Morgan J. Clark

See MCR 5766

MCR 5891

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, I. T., June 26, 1902.

Page 1.

In the matter of the application of Morgan J. Clark for the identification of his two minor children, George Washington Clark and Ruth Clark, as Mississippi Choctaws.

Morgan J. Clark after being first duly sworn testifies as follows:

Examination by the Commission.

- Q What is your name? A Morgan J. Clark.
Q What is your age? A Forty-seven.
Q What is your post office address? A Fort Smith, Arkansas.
Q How long have you lived there? A Seventeen years.
Q Where were you born? A In Arkansas.
Q Have you always lived in that state? A All but one year in Joplin, Missouri.
Q What year was that? A '78 I believe.
Q Is your father living? A Yes sir.
Q Is your mother living? A No sir.
Q What is your father's name? A Jonathan Clark. I am only a son-in-law of the old lady Roy; I am representing my children; my wife is dead and I represent the children, I don't claim anything.
Q What is your mother's name? A Minerva N. Clark.
Q You are a white man? A Yes sir.
Q You appear for whom; how many children? A Two unmarried and one married.
Q You appear for two minor children? A Yes sir.
Q Are these children living with you at your home? A One of them is.
Q Which one? A Ruth, the little girl.
Q Where is the other? A In Fort Smith with his grandmother.
Q You are supporting these children are you? A Yes sir.
Q At your home in Fort Smith, or wherever your home is? A Yes sir, that is my post office; I call that my home because I live near there.
Q These children claim their Choctaw blood through whom? A Their mother.
Q What was her name? A George W. Clark.
Q What is their mother's name? A Martha Ellen Clark.
Q Is she living? A No sir.
Q What was her blood? A Choctaw I suppose.
Q How much Choctaw? A One-eighth.
Q How long has she been dead? A Four years I believe.

- Q Where did she die? A In Fort Smith, Arkansas.
- Q Has your wife, Martha Ellen Clark, ever been recognized in any way or enrolled as a member of the Choctaw tribe of Indians by the Choctaw tribal authorities or the United States authorities in the Indian Territory? A She has not.
- Q What is the name of the oldest child for whom you wish to make application? A George Washington Clark.
- Q How old is George? A Seventeen.
- Q The next child? A Ruth Clark.
- Q Seven years old.
- Q How much Choctaw blood do you claim for these children? A I suppose one-sixteenth.
- Q They derive their Choctaw blood through their mother, your deceased wife? A Yes sir.
- Q You claim for these two children? A Yes sir.
- Q What are the names of your other children? A Emma P. Clark or Davis.
- Q Is she married now? A Yes, to Lit Davis.
- Q What is her address? A Fort Smith, Arkansas.
- Q Have you any other children? A Yes sir, Charles A. Clark.
- Q Is he married? A No sir.
- Q How old is he? A Twenty-one.
- Q Where does he live? A Denver, Colorado.
- Q Any other children? A No sir.
- Q When and where were you married to your wife, Martha Ellen Clark? A Lawrence County, Arkansas, Powhatan., the 19th of April, 1878.
- Q Were you married by a Minister under a license? A Yes sir.
- Q Have you the proof of that marriage with you now? A I have not.

It will be necessary for you to furnish proof of your marriage to your wife in support of this application which you make for your minor children.

- Q Do you think you can do that within 15 days? A Yes sir.

15 days time is allowed this applicant in which to introduce any further proper testimony and also the proof of marriage of Morgan J. Clark to his wife, Martha Ellen Clark, to support this application which he makes for his two minor children.

- Q What is the name of the mother of your deceased wife, Martha E. Clark? A Margaret J. Roy.
- Q Who made application before the Commission recently? A Yes sir.
- Q Do you want to have this case consolidated with the case of Margaret J. Roy, and also the case of other relatives who claim through the same common ancestor? A Yes sir.

The case of Margaret J. Roy, M. C. R. 5786, is here referred to for the purpose of consolidation.

- Q Are the names of either of these children on the tribal rolls of the Choctaw Nation in the Indian Territory? A No sir.

- Q Has anyone ever made application for them for citizenship in the Choctaw Nation to the Choctaw tribal authorities in the Indian Territory? A No sir.
- Q Has anyone ever made application for them for citizenship in the Choctaw Nation to the Commission to the Five Civilized Tribes under the act of Congress of June 10, 1896? A No sir.
- Q Have they ever been admitted to citizenship in the Choctaw Nation by either the Choctaw tribal authorities, the Commission to the Five Civilized Tribes or the United States Court in the Indian Territory? A No sir.
- Q Is this the first application that has ever been made for for them for enrollment or identification as Choctaw Indians to either the Choctaw tribal authorities or the United States authorities in the Indian Territory? A Yes sir.
- Q Do you now come before the Commission to identify these minor children as Mississippi Choctaws? A Yes sir.
- Q Do you claim under article fourteen of the treaty of 1830? A Yes sir.
- Q Do you understand that article? A I do not.

The treaty of 1830, sometimes called the treaty of Dancing Rabbit Creek, was made at a place in Mississippi called by that name on the 27th day of September, 1830. The object of the treaty was to remove the Choctaw Indians who lived in the old Choctaw Nation east of the Mississippi river from that old Nation to the Choctaw Nation, Indian Territory. Before the treaty was signed it became known that a good many Choctaw Indians would not go to the Choctaw Nation, Indian Territory; they preferred to stay in the old Choctaw Nation east of the Mississippi river. In order, therefore, to protect them and preserve their rights article fourteen was drafted and put into the treaty of 1830. That article is as follows:

"ARTICLE XIV. Each Choctaw head of a family being desirous to remain and become a citizen of the states shall be permitted to do so, by signifying his intention to the Agent within six months from the ratification of this treaty, and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land, to be bounded by sectional lines of survey; in like manner shall be permitted entitled to one half that quantity for each unmarried child which is living with him over ten years of age, and a quarter section to such child as may be under ten years of age, to adjoin the location of the parent; if they reside upon said lands intending to become citizens of the states for five years after the ratification of this treaty, in that case, a grant in fee simple shall issue; said reservation shall include the present improvement of the head of the family or a portion of it. Persons who claim under this article shall not lose the privilege of a Choctaw citizen, but if they ever remove are not entitled to any portion of the Choctaw annuity."

- Q Do you know whether any of the Choctaw ancestors of these children of yours ever complied or attempted to comply with article fourteen of that treaty? A I do not.

- Q What is the name of their Choctaw ancestor through whom they claim their right to be identified as Mississippi Choctaws?
A George Washington Lock.
- Q What relation was he to them? A Great grandfather.
- Q How much Choctaw blood did he have? A One half.
- Q Did he speak the Choctaw language or have a Choctaw Indian name?
A I don't know.
- Q Did he live in Mississippi or Alabama in the old Choctaw Nation at any time? A I don't know if he lived in any Nation or not.
- Q How do you know these boys are descendants from Mississippi Choctaw ancestors? A Only by their grandmother, what she told me.
- Q Did you ever hear her say that she had an ancestor who lived in Mississippi in 1830 and had a family there then? A I don't remember.
- Q As a matter of fact you do not know whether they ever had an ancestor who did live in Mississippi in 1830 and had a family therethen? A I do not know.
- Q Did you ever hear that any of their ancestors lived in Mississippi or Alabama at any time? A Yes, but I don't know when.
- Q Do you know who? A Mr. Lock, Mrs. Roy's father.
- Q George Washington Lock? A Yes sir.
- Q Did he live in Mississippi? A Yes, that's what Mrs. Roy has told us.
- Q Did any of the Choctaw ancestors of these children own any land or claim any land in Mississippi or Alabama under article fourteen of the treaty of 1830? A I don't know sir.
- Q Did any of the Choctaw ancestors of these children within six months after the ratification of the treaty of 1830, go to the United States Indian Agent, Colonel Ward, and tell him that they wanted to stay in Mississippi, take land there and become citizens of the states? A I don't know.
- Q Did any of the Choctaw ancestors of these children own any improvements on land in the old Choctaw Nation in the year 1830? A I don't know.
- Q Did any of them go from that old Choctaw Nation east of the Mississippi river to the Choctaw Nation, Indian Territory, with the other Indians between 1838 and 1839 or 1840? A I don't know.
- Q All you know about the Choctaw ancestry of these children is what you have learned through whom? A Mrs. Roy, Margaret J., their grandmother.
- Q Who has already made application here to be identified as a Mississippi Choctaw? A Yes sir.

The Choctaw Indians who stayed back there in the old Choctaw Nation after the treaty of 1830 was ratified, were required if they wanted to take advantage of article fourteen of the treaty of 1830, to go to the United States Indian Agent, Colonel Ward, at his agency in Mississippi, within six months after the ratification of the treaty, and tell him that they wanted to stay in Mississippi, take land there and become citizens of the states. A great many did this whose names Colonel Ward neglected to put upon his list known as "Ward's Register". His failure to make a proper registration of the names of these applicants who came before him under article fourteen, and within the time limited, caused a good many

Indians who had land in the old Choctaw Nation, upon which they had improvements to lose both their land and improvements; both were taken from them by the government and sold at its public land sales. This caused so many complaints among the Indians that in 1857 and also in 1842 Commissions were appointed by Congress, which commissions went to Mississippi and heard claimants under article fourteen of the treaty of 1830.

- Q Do you know whether any of the Choctaw ancestors of these minor children and claimed any benefits under article fourteen of the treaty of 1830? A I do not.
- Q Did any of the Choctaw ancestors of these children receive any script from the government which entitled them to select land in Mississippi, Alabama, Louisiana or Arkansas? A I don't know.

This script was issued under an act of Congress approved August 23rd, 1842, and provided that those Indians who proved their claim under article fourteen, and also proved that their land had been taken from them, might select land elsewhere in place of the land taken from them.

- Q Do either of these children speak the Choctaw language? A No sir.
- Q What is the personal appearance or description of George Washington Clark? A Dark complexion; black eyes; dark hair.
- Q And Ruth Clark? A Dark complexion; brown hair; gray eyes.
- Q Is there anything further you want to say now in support of this claim? A I think not.

W. H. Martin being first duly sworn on oath states that as stenographer to the Commission to the Five Civilized Tribes he recorded in full the above proceedings on the 26th day of June, 1902, and that the within and foregoing is a full, true and correct transcript of his stenographic notes in the case.

W. H. Martin

Subscribed and sworn to before me this 14 day of July, 1902.

Guy L. V. Emerson
Notary Public.

Muskogee, Indian Territory, January 14, 1903.

Morgan J. Clark,

Fort Smith, Arkansas.

Dear Sir:

You are hereby advised that on the 14th day of January, 1903, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Margaret Jane Roy, et al., embracing the following applications for identification as Mississippi Choctaws:

| | |
|----------------------------------|-------------|
| Margaret Jane Roy, | M.C.R. 5766 |
| George Washington Clark, et al., | M.C.R. 5891 |
| William Wahsington Roy, et al., | M.C.R. 5836 |
| Levi Pinckney Roy, | M.C.R. 5767 |
| Thomas Roy, et al., | M.C.R. 5837 |
| John James Roy, et al., | M.C.R. 5838 |
| Mary Barnes, et al., | M.C.R. 5891 |
| Hannah Rebecca Ann Coleman, | M.C.R. 5768 |

These applications were made under the provision of the act of Congress of June 28, 1898 (30 Stats., 495) which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and ~~thereafter~~ and may administer oaths, examine witnesses and perform all other acts necessary thereto and make report to the Secretary of the Interior."

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Margaret

Jane Roy, George Washington Clark, Ruth Clark, William Washington Roy, John T. Roy, William Albert Roy, Levi Pinckney Roy, Thomas Roy, Eddie Roy, Pearlle Roy, John James Roy, Bessie Viola Roy, Hona Lucille Roy, Kenneth Brookshire Roy, Mary Barges, Willie S. Tibado, Walter D. Tibado, Ethel M. Barnes, Metto O. Barnes and Hannah Rebecca Ann Coleman as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the applications for their identification as such should be refused, and it is so ordered."

You are further advised that you will be allowed fifteen days from the date hereof within which to file arguments in this office and that at the expiration of said time the papers in the case together with such arguments will be forwarded to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

(SIGNED),

Acting Chairman.

Registered.

M.C.R. 5891

Winkegee, Indian Territory, March 20, 1903.

George W. Clark,

C/o Morgan J. Clark,

Fort Smith, Arkansas.

Dear Sir:

You are hereby notified that on the 10th day of March, 1903, the secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Margaret Jane Roy, et al., of which decision you were advised by registered mail on the 14th day of January, 1903.

Respectfully,

SIGNED,

Paul D. Staley,
Chairman.

For Identification as a Mississippi Choctaw.

Date

JUN 21 1881

Name Morgan J. Clark for
2 minor children
Age 47 Blood white

Post-Office, Fort Smith, Ark.

Father, Jonathan Clark, d. w.

Mother, Minerva E. " d. w.
children
Claim through their mother

Martha E. Clark, d. -
1/8 choct. blood

Children:

George W. Clark, 1/16 17-

Ruth " 1/16 7

Claims for his 2
minor children

Stenographer

W. H. Martin.

Choctaw MCR 5892.

Lewis H. Ladd

MCR 5892

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.

---0---

In the matter of the application of Lewis H. Ladd for identification as a Mississippi Choctaw, M.C.R. 5892.

List of papers forwarded to the Secretary of the Interior comprising the record in the above case.

| | (Page) |
|---|--------|
| Original application of Lewis H. Ladd to the Dawes Commission for identification as a Mississippi Choctaw----- | 1 |
| Decision of the Commission refusing the application of Lewis H. Ladd for identification as a Mississippi Choctaw----- | 9 |

---0---

Department of the Interior,
Commission to the Five Civilized Tribes.
Muskegee, I. T., June 26, 1902.

5892.

In the matter of the application of Lewis H. Ladd for
the identification of himself as a Mississippi Choctaw.

Lewis H. Ladd after being first duly sworn testifies as
follows:

Examination by the Commission.

- Q What is your name? A Lewis H. Ladd.
Q What is your age? A Well, I claim seventy-seven, though I
may be older.
Q But you think you are seventy-seven anyway? A I know that I
am that old, maybe older.
Q What is your post office address? A South McAllester, I. T.
Q How long have you lived in South McAllester? A Eleven years.
Q Where did you live before that? A I was down at Fort Smith
and then went up to Kansas.
Q Where were you born? A In Tennessee, Murray County, there
amongst the Indians.
Q And a few darkeys? A Yes sir.
Q From Tennessee you went where? A I come to Mississippi.
Q And you lived in Mississippi how long? A Well, I can't tell
you exactly how long, some three or four years if not more.
Q Whereabouts? A In Pontotoc County.
Q Then you went where? A Come here in this Territory.
Q Lived here ever since? A Yes sir.
Q Now, what was your father's name? A He was Peter Ladd.
Q Is he living? A No sir, I ain't saw him in quite a while.
Q Is your mother living? A No sir.
Q What was her name? A Hannah Perry or Ladd, after freedom
come we went back and took our father's names.
Q What do you want to give as her name? A Hannah Perry.
Q Your father was a slave? A Yes sir.
Q And your mother also? A Yes sir., she was a slave until up
near about the surrender, and her old Missus died and set her
free.
Q They were slaves, both of them, up until emancipation? A Yes
sir.
Q And their people were slaves before them, their ancestors?
A No sir, we sprung from the Indian side.
Q How did they happen to get into a condition of slavery? A
He was kidnapped when they drove the Indian back in the old
states, my grandma was kidnapped; they made her believe they

was free everywhere, and when they got her out they made a slave of her.

Q Through which side father or mother, do you claim Choctaw blood?
A Mother's side.

Q How about on the other side, you say both your father and mother were slaves? A Yes sir, they were made slaves, but my grandma she claimed on the Indian side.

Q You claim your Choctaw blood through which parent, father or mother? A A I register now like I put in my plea before my attorney.

Q I want you to answer my question; do you claim your father had any Choctaw blood? A No sir, it was Mama had it.

Q How much Choctaw blood do you claim? A She was a half.

Q How much do you claim? A I don't hardly know how much to claim.

Q If she was one half you would be one fourth; do you claim one fourth? A Yes sir, I claim one fourth.

Q She was half Choctaw Indian and half Negro? A Yes sir.

Q And your father was altogether negro blood? A Yes sir.

Q And both were slaves? A Yes sir.

Q Did I understand you to say that your mother was stolen? A My grandmother.

Q Her mother? A Yes sir, her mother.

Q How do you know her mother was stolen and made a slave? A I heard mother talk and she said that was how come her a slave; and she married a colored man, and that throwed a shade down on me.

Q They put a dark shade on you didn't they? A Yes sir, thats what they did.

Q Then your mother's mother you claim to have been a full blood Choctaw? A Yes sir.

Q And married a colored man? A Yes sir.

Q And he was a slave? A He was a slave.

Q Are you married? A No sir, I am single, my old woman dead going on eleven years.

Q Have you any children under twenty-one years of age and unmarried? A No sir, I have a daughter going on twenty-one.

Q Is she twenty-one? A Near about, no, she won't be twenty-one until the 27th of August.

Q Is that the only child you have? A Yes, that I know anything about.

Q Is your wife, the mother of this child, now dead? A Yes sir.

Q What was your wife's name? A Sophie.

Q Sophie Ladd? A Yes sir.

Q She is dead? A Yes sir.

Q Was she a negro woman? A A Creek.

Q A Creek Indian? A Yes sir.

Q Any darkey at all? A Yes sir.

Q Well, what was she, negro and Creek? A Yes sir.

Q Now, this child's name is what? A Ardenia Ladd.

Q How old is she? A She's married, she is Ardenia Smith.

Q You can't make any application for her; is that the only child you have? A Yes sir.

Q And she is married? A Yes sir.

Q You then claim for yourself alone? A Yes sir., I am just by myself.

Q Where did you live down there in Mississippi? A In Pontotoc County.

- Q Did you know an old fellow down there by the name of Ben Summit?
A I don't know sir, whether I did or not.
- Q Is your name on any of the tribal rolls of the Choctaw Nation in the Indian Territory? A No sir, I never made no application before.
- Q You never have made application to the Choctaw tribal authorities for citizenship in the Choctaw Nation? A No sir.
- Q Have you ever made application to the Dawes Commission under the act of Congress of June 10, 1896? A No sir.
- Q Have you ever been admitted to citizenship in the Choctaw Nation by either the Choctaw tribal authorities, the Commission to the Five Civilized Tribes or the United States Court in the Indian Territory? A No sir.
- Q Is this the first application you have ever made to any authority for enrollment as a Choctaw Indian? A Yes sir, the first I have ever made.
- Q Do you now come before the Commission to be identified as a Mississippi Choctaw, claiming under article fourteen of the treaty of 1830? A Yes sir.
- Q How do you know you do? A I don't know for certain, but that is the way I had it put in.
- Q What is a treaty anyway? A I was most too young to go into the merits of that; I was just big enough to ride races at that time.
- Q Do you know what a treaty is? A A treaty, well I might think one way and it might be another.
- Q What do you think about it? A The treaty is when the Indians was to leave Mississippi and come to this territory, and sworn that this was the country that was give to them, and not to raise arms against the government.
- Q That's the treaty? A That's what I thought it was; I don't know whether I am right or not.
- Q Is this treaty put in writing? A I don't know whether it was put into writing or print.
- Q Was it signed by anybody? A I suppose it was signed; it could not have been legally done unless it was signed.
- Q It was an agreement, was it, between the United States government and the Choctaw Indians? A Yes sir.
- Q And the Choctaw Indians agreed to go from that old Choctaw Nation in Mississippi and Alabama, to the Choctaw Nation, Indian Territory? A Yes sir.
- Q Did they all come? A They didn't all come, a portion of them come.
- Q What did the other fellows do, who refused to come? A You are too hard for me on that question.
- Q How many of them stayed back in the old Choctaw Nation? A I couldn't tell you, I know that when my people come there was six hundred of them come on the boat that come up here to Port Coffee.
- Q Did you ever hear of article fourteen of the treaty of 1830? A I was too young to take any notice of anything the like of that.
- Q Are you pretty well acquainted with the Bible? A I used to read a little of it.
- Q Do you know what a verse is in a chapter? A No sir, I don't

4
know whether I do or not.

- Q Do you know what a chapter in the Bible is? A Yes sir.
Q Well, a verse is a part of a chapter in the Bible, and in the same way an article in a treaty is a part of the treaty. We call a verse in a chapter a part of the chapter in the Bible, and we call an article in a treaty a part of the treaty? A Yes sir.

When those Indians stayed back there in the Choctaw Nation in Mississippi and Alabama, refusing to go to the Choctaw Nation, Indian Territory, something had to be done for them in that treaty, and so this article fourteen was put into the treaty for the benefit of the Mississippi Choctaws, and after they put that article into the treaty and treaty was then signed, and afterwards it was ratified, and then later on a good many of the Choctaw Indians went to the Choctaw Nation, Indian Territory, while the others stayed back there. That article fourteen is as follows:

"ARTICLE XIV. Each Choctaw head of a family being desirous to remain and become a citizen of the states shall be permitted to do so by signifying his intention to the Agent within six months from the ratification of this treaty, and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land, to be bounded by sectional lines of survey; in like manner shall be entitled to one half that quantity for each unmarried child which is living with him over ten years of age and a quarter section to such child as may be under ten years of age, to adjoin the location of the parent. If they reside upon said lands intending to become citizens of the states for five years after the ratification of this treaty, in that case, a grant in fee simple shall issue; said reservation shall include the present improvement of the head of the family, or a portion of it. Persons who claim under this article shall not lose the privilege of a Choctaw citizen, but if they ever remove, are not entitled to any portion of the Choctaw annuity."

- Q Now did any of your ancestors comply or attempt to comply with any of the provisions of that article? A I don't know sir whether they did or not.
Q Do you know what I mean by ancestor? A No sir, you will have to lead me to the light.
Q You do not know what ancestor means? A No sir.

Well, an ancestor is your father or mother or grandfather or grandmother, or your great grandfather or great grandmother, direct back that way; you can say your father is your ancestor, or your mother is an ancestor, but your uncle or brother is not, nor any of your kin except going back in a direct line through your father or mother, grandfather or grandmother, back in a straight line; so when I ask you if any of your ancestors complied with article fourteen of the treaty of 1830 I ask you if any of your kin going back in a straight line through your father or mother ever lived in Mississippi or Alabama, and after the ratification of the treaty of 1830 went to Colonel

Ward, the United States Indian Agent in Mississippi at that time, and told him that they wanted to stay in Mississippi, take land there and become citizens of the states.

- Q Did any of them do this? A Not that I know of.
- Q You do not know about that? A No sir.
- Q What is the name of your ancestor through whom you claim your right to be identified as a Mississippi Choctaw? A My grandma, who lived back amongst the old people where she originated from.
- Q What was her name? A Sylvia.
- Q Is that all? A That's all that I know of.
- Q Is that your grandmother? A My grandma.
- Q Your mother's ma? A Yes sir.
- Q How much Choctaw blood did she have? A She was a half.
- Q A little while ago you said your mother was a half? A She is over that.
- Q Who is over that? A Well sir,-
- Q Now how much Choctaw blood did your grandmother have? A She was a half or something over.
- Q Then your mother could not be a half? A Yes sir, I spoke too quick that time.
- Q Sylvia is one half? A She was over that; mama was half; I spoke too quick before I got the right sound about my grandma.
- Q How much Choctaw blood did Sylvia have? A I can't say, I was only five years old when I left her and ain't seen her since.
- Q You said a little while ago that your mother was one half? A That's so, I spoke too quick about my grandma.
- Q If your mother was one half how much would your grandmother be, that would make her a full blood? A Yes sir, she was a full blood.
- Q A little while ago you said you didn't know? A Yes sir, I spoke too quick about my grandma.
- Q Now, look here, don't you think you are speaking too quick now? A No sir.
- Q How do you know that Sylvia was a full blood Choctaw Indian? A My mama told us.
- Q Why did you not say that a while ago? How much are you? A If she was a full blood and mama a half that would make me three fourths, or one fourth or something about that; I just want to claim a fourth.
- Q What do you want to claim, you claimed three fourths a while ago, did you speak too quick? A I just spoke too quick, that's all there is about it.
- Q How much do you claim now? A I just leave it with you.
- Q How much Choctaw blood do you claim? A I am getting old and I ain't got the right mind that I used to have, and I just answer your questions and you put it down what it is.
- Q Well then, if your grandmother was a full blood and her daughter, your mother, was a half blood, then you would be one fourth. Now, are you sure that your grandmother was a full blood? A Yes sir. Mother always told us and kept us posted about what our people were that we sprang from.
- Q Did your grandmother, Sylvia, speak the Choctaw language? A Yes sir.

- Q How do you know? A I was there talking different languages,-
- Q Well, you could not have been there at that time; you are 77 years old now? A I got clear off on that, I just forgot who my people were, and mother kept us posted where she sprung from, and she was as good as free, and I never kept it in my head.
- Q Was Sylvia a slave? A Yes sir she was made a slave.
- Q How much negro blood did she have mixed in with the Indian? A I can't tell you that.
- Q About how much? A I can't tell you for I don't know.
- Q Do you think she was one fourth negro and three fourths Indian? A She might have been, but I don't know it.
- Q You think she had some negro? A She might have had.
- Q You said a while ago that she was a full blood Choctaw? A I can't say because I was too young when I come away from her.
- Q The fact is you do not know how much she did have? A No sir, I am honest about that.
- Q Did any of your Choctaw ancestors own any land or claim any land in Mississippi or Alabama in the old Choctaw Nation under article fourteen of the treaty of 1830? A Not that I know of.
- Q Did any of your Choctaw ancestors within six months after the ratification of the treaty of 1830 go to Colonel Ward the United States Indian Agent, and tell him that they wanted to stay in Mississippi, take land there, and become citizens of the states? A No sir, not as I know.
- Q Did any of your Choctaw ancestors own any improvements on land in Mississippi or Alabama in the old Choctaw Nation in 1830? A No sir, I don't think they did.
- Q Did any of your Choctaw ancestors go from that old Choctaw Nation east of the Mississippi river to the Choctaw Nation Indian Territory with the other Indians, between the years 1833 and 1838 or 1840? A None but my mother.
- Q When did she come? A She come in about 1830 or 1836, I come in 1835 and she come the next fall.
- Q You came with your master? A Yes sir.
- Q And she come with her Master? A Her Missus was a widow woman.
- Q She was a slave at that time? A Yes sir., and her boss was a Choctaw.
- Q Now uncle, this is the point, the law says that those Choctaw Indians who claimed under article fourteen of the treaty of 1830 must show that their ancestors, their father or mother, or grandfather or grandmother, or great grandfather or great grandmother, lived in Mississippi or Alabama in the old Choctaw Nation in 1830; and they must have gone to Colonel Ward, the United States Indian Agent, within six months after the ratification of the treaty of 1830, and tell him that they wanted to take land there and stay in Mississippi and become citizens of the states, and if they lived on that land for five years they would get a deed of it and would become citizens of the United States. Now if your ancestors were slaves at that time they could not hold land; they could not become citizens of the United States; they were slaves and owned just the same as horses or cattle were owned, and therefore they could not have complied with article fourteen of the treaty of 1830; can't you see that? A I didn't start to put my application in that way noway.
- Q A slave, who was a slave in 1830 and 1831 or 1832 along there,

- could not comply with article fourteen of the treaty of 1830 could he? A I dont say that he could at all.
- Q He could not own land? A No sir not at that time.
- Q He could not become a citizen of the United States because he was owned by somebody? A You see here, I did not aim to put that in that way about my case at all; no sir, because I was a slave at that time is the reason I wanted to put my claim in that way.
- Q You were a slave at that time yourself? A Thats what I know.
- Q And none of you coul have complied with article fourteen because you were slaves; but you did not know that did you? A No sir, and I did not aim to put my application in that way at all.

These Indians who stayed back in the old Choctaw Nation under the treaty of 1830 after that treaty was ratified were required if they wanted to take advantage of article fourteen of that treaty to go to the United States Indian Agent, Colonel Ward, within six months after the ratification of the treaty, and tell him that they wanted to stay in Mississippi, take land there and become citizens of the states. A great many Choctaw Indians did this whose names Colonel Ward failed to put upon his list known as Ward's Register, and his failure to do this caused a good many Indians to lose both their lands and improvements which they held in the old Choctaw Nation, for they were both taken from them by the government and sold at its public land sales. This caused so many complaints among the Indians that commissions were appointed in 1837 and in 1842 under various acts of congress, which went to Mississippi and heard claimants under article fourteen of the treaty of 1830.

- Q Did any of your ancestors go before either of those two commissions and claim any benefits as Choctaw Indians under article fourteen of the treaty of 1830 that you ever heard of? A No sir, I dont know.
- Q Did any of your Choctaw ancestors receive any script from the government which entitled them to select land in Mississippi, Alabama, Louisiana or Arkansas? A No sir not that I know of.
- Q Being slaves they could not receive any script from the government which would authorize them to hold land? A No sir.

This script was issued under an act of Congress approved August 23rd 1842, and was given to those Indians who proved their rights under article fourteen of the treaty of 1830, and also proved that they had land in the old Choctaw Nation which the government had taken from them and sold.

- Q If you were a slave and they were slaves they could not hold any land? A No sir.
- Q Have any of your relatives been before the Commission to be identified as Mississippi Choctaws? A No sir, if they have I don't know it.

This applicant has the appearance and physical characteristics of being descended from negro parentage; he claims some

Choctaw blood; but to the Commission he looks like a full blood negro.

- Q Can you speak the Choctaw language? A I can understand it more than I can talk it; I can talk right sharp too.

He has a slight knowledge of the Choctaw language, which he has picked up with his intercourse with the Choctaw Indians; he has no knowledge of the compliance on the part of any of his ancestors with any of the provisions of article fourteen of the treaty of 1830.

W. H. Martin being first duly sworn on oath states that as stenographer to the Commission to the Five Civilized Tribes he recorded in full the above proceedings on the 26th day of June, 1902, and that the within and foregoing is a full, true and correct transcript of his stenographic notes in the same.

W. H. Martin

Subscribed and sworn to before me this 15 day of July, 1902.

Guy L. V. Emerson
Notary Public.

OPY.

G.A.L.
cw.

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.

-----0-----

In the matter of the application of Lewis H. Ladd for identification as a Mississippi Choctaw, M.C.R. 5892.

---: D E C I S I O N :---

It appears from the record herein that application for identification as a Mississippi Choctaw was made to this Commission by Lewis H. Ladd for himself, under the following provision of the act of Congress approved June 28, 1898 (30 Stats., 495):

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses, and perform all other acts necessary thereto and make report to the Secretary of the Interior."

It also appears that said applicant claims rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, in virtue of being a descendant of one Sylvia, who is alleged to have been a three-fourth

full blood Choctaw Indian, and to have resided in Mississippi in eighteen hundred and thirty.

The name Sylva appears on page 262 of Volume 1 of the Claimants' Brief and Evidence in the case of the Choctaw Nation versus the United States before the Court of Claims No. 12742, as a child under ten years of age of Kunahoka, a member of Captain Turnbull's Company and the claimant in a list of claims rejected under the fourteenth article of the treaty of "Dancing Rabbit Creek" and on page 668 of said record, as a child under ten years of age of Cun-ne-a-hc-ka, the claimant in a list of cases examined and reported by the Board of Commissioners and rejected by the Secretary of War, but there is nothing in the testimony submitted by the applicant herein which would tend to show that the Sylva whose name appears on the record above cited is the identical person through whom he claims.

It further appears from the evidence submitted in support of said application and from the records in the possession of the Commission that said applicant has never been enrolled by the Choctaw tribal authorities as a member of the Choctaw tribe, or admitted to Choctaw citizenship by a duly constituted court or committee of the Choctaw Nation, or by the Commission to the Five Civilized Tribes, or by a decree of the United States Court in Indian Territory, under the provisions of the act of Congress approved June 10, 1896 (29 Stat. 321).

It does not appear from the testimony and evidence offered in support of said application, or from the records in the possession of the Commission relating to persons who complied or attempted to comply with the provisions of said article fourteen of the treaty

of eighteen hundred and thirty, and to persons who heretofore were claimants thereunder, that the said Sylvia through whom this applicant claims, or an ancestor less remote, signified (in person or by proxy) to Colonel Wm. Ward, Indian Agent, Choctaw Agency, an intention to comply with the provisions of said article fourteen, or presented a claim to rights thereunder to either of the Commissions authorized to adjudicate such claims by the acts of Congress approved March 3, 1837 (5 Stats. 160) and August 23, 1842 (5 Stats. 513).

It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Lewis H. Ladd as a Choctaw Indian entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the application for his identification as such should be refused, and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES

T. B. Nesbitt

Acting Chairman

SIGNED:

T. B. Nesbitt

Commissioner

SIGNED:

C. R. Smith

Commissioner

Muskogee, Indian Territory

JAN 20 1903

COPY

M.C.R. 5892

Muskogee, Indian Territory January 20, 1903.

Lewis H. Ladd,

South McAlester, Indian Territory.

Dear Sir:

You are hereby advised that on the 20th day of January, 1903 the Commission to the Five Civilized Tribes rendered a decision in the case of Lewis H. Ladd, an applicant for identification as a Mississippi Choctaw.

This application was made under the provision of the act of Congress of June 28, 1898 (30 Stats., 495) which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto and make report to the Secretary of the Interior."

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Lewis H. Ladd as a Choctaw Indian entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the application for his identification as such should be refused, and it is so ordered."

You are further advised that you will be allowed fifteen days from the date hereof within which to file arguments in this office, and that at the expiration of said time the papers in the case together with such arguments will be forwarded to the Secretary of

L.H.D. #2

the Interior through the Commissioner of Indian Affairs.

Respectfully,

(SIGNED).

T. I. [Signature]
Commissioner in Charge.

Registered.

OPY.

M.C.R. 5892

Muskogee, Indian Territory, January 20, 1903.

Mansfield, McMurray & Cernish,

Attorneys for the Choctaw and Chickasaw Nations,
South McAlester, Indian Territory.

Gentlemen:

You are hereby advised that on the 20th day of January, 1903, the Commission to the Five Civilized Tribes rendered a decision in the case of Lewis H. Ladd, an applicant for identification as a Mississippi Choctaw.

This application was made under the provision of the act of Congress of June 28, 1898 (30 Stats., 495).

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Lewis H. Ladd as a Choctaw Indian entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the application for his identification as such should be refused, and it is so ordered."

You are further advised that the applicant in this case has been allowed fifteen days from the date hereof within which to file arguments in this office, and that at the expiration of said time the papers in the case together with such arguments will be forwarded to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

(SIGNED)

I. B. Neelands.

Commissioner in Charge.

Muskogee, Indian Territory, February 5, 1903.

The Honorable

The Secretary of the Interior.

Sir:

There is transmitted herewith the record in the case of Lewis H. Ladd, an applicant to the Commission for identification as a Mississippi Choctaw, including the decision of the Commission of January 30, 1903.

The Commission has the honor to report that the applicant herein and the attorneys for the Choctaw and Chickasaw Nations have been duly advised by letter of the action of the Commission, copies of said letters being attached to the record.

Respectfully,

(SIGNED).

James E. Feltz

Acting Chairman.

Through the

Commissioner of Indian Affairs.

2 Enc. M.C.R. 5893

Land.
9340-1903.

C O P Y.

DEPARTMENT OF THE INTERIOR,
Office of Indian Affairs,

Washington, March 17, 1903.

The Honorable

The Secretary of the Interior.

Sir:

I have the honor to submit, herewith, the record and proceedings had before the Commission to the Five Civilized Tribes, in the matter of the application of Lewis H. Ladd for identification as a Mississippi Choctaw, wherein the Commission rendered a decision adverse to the applicant on January 20, 1903.

The testimony in this case shows that the applicant bases his claim to identification as a Mississippi Choctaw by reason of his descent from Sylvia, who, it is claimed, was a Choctaw Indian and a resident of the Choctaw Nation, in Mississippi, at the date of the making of the Choctaw treaty of 1830.

The Commission rejected the applicant because the name of his ancestor through whom he claims did not appear among the names of those who complied or attempted to comply with the provisions of the 14th article of the Choctaw treaty of 1830, and for the additional reason that the applicant had never been enrolled as a citizen of the Choctaw Nation.

An examination has been made of the records of this office with reference to the name of Sylvia, and it is discovered that

-2-

the name does not appear among the names of those who complied or attempted to comply with the provisions of the 14th article of the Choctaw treaty of 1830.

This being the case, it is evident that the decision of the Commission rejecting the applicant was correct, and I concur in that finding and recommend that it be approved.

Very respectfully,

A.C. TONNER,

Acting Commissioner.

(E.B.H.)
P.

M C R 5892

Muskogee, Indian Territory, March 20, 1903.

Lewis H. Ladd,

South McAlester, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of your letters of the 10th and 17th instant, requesting that a letter which was registered to you at South McAlester, and returned to this office marked "unclaimed", be again forwarded you.

In compliance with your request said letter is herewith enclosed.

Respectfully,

Chairman.

McM 58

D.C. 9962-1903.
I.T.D. 2996-1903.
L.R.S.

C O P Y.
E.A.F.

DEPARTMENT OF THE INTERIOR.
WASHINGTON.

April 4, 1903.

Commission to the Five Civilized Tribes,
Muskogee, I. T.

Gentlemen:

February 5, 1903, you transmitted the record in the matter of the application for identification of Lewis H. Ladd as a Mississippi Choctaw, including your decision of January 20, 1903, refusing the application.

The applicant claims to be a descendant of one Sylvia, alleged to have been a three-fourths blood or full blood Choctaw Indian residing in Mississippi in 1830.

The records fail to show that the applicant was ever admitted or enrolled as a citizen of the Choctaw Nation, or that said Sylvia complied or attempted to comply with article 14 of the treaty of September 27, 1830, or with either of the acts of March 3, 1837 (5 Stats., 180), and August 23, 1842 (5 Stat., 513).

Reporting March 17, the Acting Commissioner of Indian Affairs recommends approval of your decision. A copy of his letter is inclosed.

-2-

The Department finds no reason to disturb your decision and it is accordingly affirmed.

Respectfully,

THOS. RYAN,
Acting Secretary.

1 inclosure.

M.C.R. 5892

Muskogee, Indian Territory, April 17, 1903.

Lewis H. Ladd,

South McAlester, Indian Territory.

Dear Sir:

You are hereby notified that on the 4th day of April, 1903, the Secretary of the Interior affirmed the decision of this Commission refusing your application for identification as a Mississippi Choctaw, of which decision you were advised by registered mail on the 20th day of January, 1903.

Respectfully,

Tame Bixby.

Chairman.

M.C.R. 5892

COPY.

Muskogee, Indian Territory, April 17, 1903.

Mansfield, McMurray and Cornish, .

Attorneys for Choctaw and Chickasaw Nations,

South McAlester, Indian Territory.

Gentlemen:

You are hereby notified that on the 4th day of April, 1903, the Secretary of the Interior affirmed the decision of this Commission refusing the application for identification as a Mississippi Choctaw of Lewis H. Ladd, of which decision you were advised by mail on the 20th day of January, 1903.

Respectfully,

Tame Dixie
Chairman.

Muskogee, Indian Territory, May 8, 1903.

Harley & Lewis,

Attorneys at Law,

South McAlester, Indian Territory.

Gentlemen:

Receipt is hereby acknowledged of your letter of the 4th instant, relative to the refusal by the Commission of the application made by Lewis H. Ladd for identification as a Mississippi Choctaw. You state that he claims to have made application for enrollment as a Choctaw freedman.

In reply you are advised that it does not appear from our records that any person by the name of Lewis H. Ladd is an applicant to this Commission for enrollment as a freedman of either the Choctaw or Chickasaw Nations. The only application made to this Commission by any person by the name of Lewis H. Ladd, was for identification as a Mississippi Choctaw. On April 4, 1903, the Secretary of the Interior approved the decision of the Commission refusing said application. The Commission now considers this case closed.

Respectfully,

Chairman.

No. 5892

For Identification as a Mississippi Choctaw.

Date JUN 2 1902

Name Lewis H. Ladd.

Age 77 — Blood $\frac{1}{4}$

Post-Office, Po. Mealester, I. T.

Father, Peter Ladd, ^{slave} d.

Mother, Xomnah Perry, ^{slave} d.

Claims through mother $\frac{1}{2}$
Wife, Sophie Ladd, d - ~~2~~
negro & Creek Ind.

~~Children.~~

~~Andrew Ladd~~

Claims for self
alone -

Stenographer W. H. Martin -

2nd notice Jan 29/1903

Letter remained

Reg 310



memo

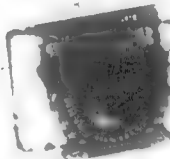
Department of the Interior.

Commission to the Five Civilized Tribes,

MUSKOGEE, IND. TER.

OFFICIAL BUSINESS.

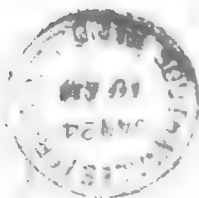
Penalty for private use, \$300.



Lewis H. Ladd,

South McAlester, Indian Territory.

FILED
FEB 27 1903



Choctaw MCR 5893

Green Smith

See MCR 5788

MCR 5893

MC R5893.

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, Indian Territory, June 27, 1902.

In the matter of the application of Green Smith for
identification as a Mississippi Choctaw.

Green Smith, having been first duly sworn, upon his oath
testified as follows:

Examination by the Commission.

- Q What is your name? A Green Smith.
Q How old are you? A Twenty two.
Q How much Choctaw blood do you claim to have? A One quarter.
Q What's your post office address? A Muskogee, Indian Territory.
Q How long have you lived at Muskogee, Indian Territory? A About
six or eight months..
Q Where did you live before that? A Arkansas.
Q How long did you live in the State of Arkansas? A I lived there
about nine or ten years - between nine and ten years.
Q Where did you live before that? A In Mississippi.
Q What county? A Yalobusha.
Q How long did you live there? A Well - about twelve years old -
I left there when I was about twelve.
Q Born there? A Born there.
Q Is your father living? A Yes, sir.
Q What's his name? A Mill Smith.
Q Is your mother living? A Yes, sir.
Q What's her name? A Bettie Smith.
Q Through which one of your parents do you derive your Choctaw
blood? A My father.
Q Has your father been before this Commission an applicant for
identification as a Mississippi Choctaw? A Yes, sir.
Q Where was he born? A He was born in Mississippi, I suppose, from
my knowledge.
Q Was he a slave? A No, sir.
Q Was he ever recognized in any manner or enrolled as a member of
the Choctaw tribe of Indians in Indian Territory? A Not that I
know of.
Q Are you married? A Yes, sir, I am.
Q You have any children? A No, sir.
Q Has your wife any Choctaw blood? A No, sir.
Q You have no claim for any one except yourself? A Just myself only.
Q Is your name to be found upon any of the Choctaw tribal rolls?

Green Smith, 2.

Indian Territory? A No, sir.

Q How old a man is your father? A Well, I don't know just exactly, I suppose he would be about fifty years old, maybe more; I wouldn't say positively.

Q Through which one of his parents did he get his Choctaw blood? A His mother.

Q What was her name? A Mattie Wood. Before she married.

Q How much Choctaw blood did she have? A Full blood.

Q Did you ever see her? A Yes, sir.

Q How long has she been dead? A About ten years.

Q How old would she be if she were living now? A Well, I don't know that.

Q About how old was she when she died? A Well, in my estimation, she would be sixty or seventy years, maybe seventy years old.

Q Did she live in Mississippi all of her life? A Yes, sir, from what I can learn.

Q What were the names of her parents? A Her mother was names Mossy Wood, and her father was named Jack Wood.

Q Did either of them have Choctaw names? A Well, I am not acquainted with the Choctaw names.

Q You don't know about that? A No, sir.

Q Did you ever see either one of them? A No, sir; never did.

Q You don't know where they lived during their life times?

A I am told they lived in Mississippi.

Q Was any application of any description ever been made in your behalf to the Choctaw tribal authorities in Indian Territory for your admission to citizenship in that Nation? A Not until the present time; this is the first time.

Q This is the first application of any description that has ever been made for you for the purpose of establishing your rights as a Choctaw Indian? A First time.

Q You appear before the Commission at this time for the purpose of claiming rights in the Choctaw lands in Indian Territory under the fourteenth article of the treaty of Dancing Rabbit Creek, do you?

A Yes, sir.

Q Have you ever been admitted to citizenship in the Choctaw Nation, or enrolled as a member of that tribe, ever enjoyed any of the rights citizenship? A No, sir.

The treaty of Dancing Rabbit Creek was entered into in the State of Mississippi on the 27th day of September, 1830, between the Government of the United States and the Choctaw tribe of Indians. At the time this treaty was made the Choctaws lived in the State of Mississippi and along the western edge of the State of Alabama, in what constituted the old Choctaw Nation. And the object of the treaty was to get these Indians to move from the country occupied by them in Mississippi and Alabama to a new country west of the Mississippi River, a part of which is now occupied by the greater portion of the Choctaw tribe of Indians, and is commonly known as the Choctaw Nation, Indian Territory. At the time this treaty was made some of the Indians were unwilling to leave this old nation, and for the benefit of those who preferred to stay

there what is known as the fourteenth article was put in the treaty. That fourteenth article provided that upon certain conditions a Choctaw who preferred to stay there in Mississippi and not move west to the new nation, might receive land there in Mississippi from the Government. It is as follows:

"Each Choctaw head of a family being desirous to remain and become a citizen of the States shall be permitted to do so by signifying his intention to the agent within six months from the ratification of this treaty, and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land to be bounded by sectional lines of survey; in like manner shall be entitled to one-half that quantity for each unmarried child which is living with him over ten years of age; and a quarter section to such child as may be under ten years of age, to adjoin the location of the parent. If they reside upon said land intending to become citizens of the States for five years after the ratification of this treaty, in that case a grant in fee simple shall issue; said reservation shall include the present improvement of the head of the family, or a portion of it. Persons who claim under this article shall not lose the privilege of a Choctaw citizen, but if they ever remove are not to be entitled to any portion of the Choctaw annuity."

Q You understand that fourteenth article do you not? A I think so.

Q Did any of your ancestors ever comply or attempt to comply with its provisions, or ever receive any benefits under that fourteenth article? A No, sir.

Q Did any of them own an improvement in the old Choctaw nation in Mississippi and Alabama in the year 1830, when this treaty was made? A No, sir.

Q To your knowledge? A No, sir.

Q Did any of them live there at that time to your knowledge?

A Well, from what I can learn, I suppose they must have lived there.

Q Who? A My grand parents.

Q Yalobusha County? A I couldn't swear it was Yalobusha County, or just where it was.

Q Did any of them within six months after the treaty of Dancing Rabbit Creek was ratified, let the agent of the Government in Mississippi for the Choctaws know that they wanted to stay in Mississippi and become citizens of the States and take land? A No sir, not to my knowledge; I couldn't say.

Q Did any of them remove to the present Choctaw nation, in Indian Territory, at the time for the removal of the greater portion of the Choctaw tribe of Indians between the years 1833 and 1838?

A No, sir.

Q Did any of them ever claim or receive any land in Mississippi or elsewhere from the Government of the United States under the provision of the fourteenth article of the treaty of Dancing Rabbit Creek? A No, sir.

In accordance with the provisions of the fourteenth article of the treaty of Dancing Rabbit Creek, the Government of the United States directed an agent in the State of Mississippi to register the names of such Choctaws as might

Green Smith, 3.

desire to remain in Mississippi and become citizens of the States and take land. The records of the Government show that this agent failed to register and report to the Government the names of many Indians who did, in fact, let him know that they wanted to stay in Mississippi and become citizens of the States and take land, and on this account the Government at its public land sales in Mississippi, in many instances, sold land upon which Choctaws lived and had improvements, and which they supposed they would receive under this fourteenth article of the treaty. This caused a great deal of complaint among the Indians, and the matter was finally brought to the attention of Congress, and Congress passed certain acts between the years 1837 and 1842, providing for the appointments of commissioners to come down to Mississippi and hear the cases of Choctaws who claimed that that they had complied in all respects with the provisions of the fourteenth article of the treaty of Dancing Rabbit Creek, but that their land had been sold by the Government. These commissioners were duly appointed by the President of the United States, and they went down to Mississippi and heard a great many of these Choctaw cases. D

- Q Did any of your Choctaw ancestors appear before any of those commissioners and attempt to establish their rights under the fourteenth article of the treaty of Dancing Rabbit Creek? A No, sir.
Q What? A No, sir.
Q Did not? A No, sir.

An act of Congress approved on the 23rd day of August, 1842, provided that in case it should be finally decided that a Choctaw had complied in all respects with the provisions of the fourteenth article of the treaty of Dancing Rabbit Creek, but that his land had been sold by the Government, he should be entitled to select in the place of the land so sold by the Government, land some place else in Mississippi, or in Alabama, Louisiana, or Arkansas from vacant Government land, and should be given a certificate to that effect. These certificates were called scrip.

- Q Did any of your ancestors ever receive any of this scrip from the Government of the United States under this act of Congress?
A No, sir.
Q So far as you know, then, none of your ancestors were ever recognized members of the Choctaw tribe of Indians, were they? A No, sir.
Q Nor ever received any benefits as such? A No, sir.

Green Smith, 4.

Q Do you know of any old persons living who likely would know whether any of your ancestors ever complied or attempted to comply with the provisions of the fourteenth article of the treaty of Dancing Rabbit Creek, or ever received any benefits thereunder? A No sir.

Q Do you know of any written evidence of any description which would prove or tend to prove such a state of facts? A No, sir; I do not

Q Have you any written evidence of any description to offer at this time in support of your application? A No, sir; I didn't understand you.

Q Have you any written evidence of any kind to offer at this time in support of your application? A No, sir; I have not.

Q Have you any witnesses here today to testify in your behalf?

A My father.

Q What do you expect to prove by him? A That I am his son.

Q That's all, is it? A Yes, sir.

Q When did your father appear before the Commission? A I don't know just exactly the day, but it was only day last week, I believe; I don't know the day.

If you should find any other witnesses whose testimony you desire to have taken before the Commission, they may appear here at Muskegee, within ten days from this date, and their testimony will be taken. Or, if you should see fit to offer any written evidence in support of your application, if they same is presented within ten days from this date, will receive the consideration of the Commission.

Q Any further statements you want to make at this time in support of your application? A No, sir; that's all.

(See H.C.R. 5788, Hill Smith, et al., the principal applicant in said case, Hill Smith, being the father of this applicant.)

Q You don't speak or understand the Choctaw language? A No.

The applicant has the appearance of being a full blood negro and shows no indication of being possessed of Indian blood; he does not speak or understand the Choctaw language, and has no knowledge of a compliance on the part of any his ancestors with the provisions of the fourteenth article of the treaty of Dancing Rabbit Creek.

(Applicant Refused.)

Green Smith, 5.

Hill Smith, having been first duly sworn as a witness in behalf of the above named applicant, upon his oath states as follows:

Examination by the Commission.

- Q What is your name? A Hill Smith.
Q How old are you? A About forty eight.
Q What's your post office address? A Muskogee, Indian Territory.
Q What's your occupation? A Well, I work around - kind of a carpenter, and work around; do anything.
Q Are you the Hill Smith who appeared before the Commission here at Muskogee, Indian Territory, on the 7th day of June, and made application for the identification of yourself and family as Mississippi Choctaws? A Yes, sir.
Q What relation are you to Green Smith, who just appeared before the Commission? A I am his father.
Q Is his mother living? A Yes, sir.
Q What's her name? A Bettie.
Q Were you married to Bettie under a license? A Yes, sir.
Q Where? A Mississippi.
Q What county? A Yalobusha.
Q When? A It was in 1874, I think.
Q Have you your license with you? A No, sir.
Q Where is it? A I don't know, I never kept it; it was destroyed.
Q Who married you? Who performed the marriage ceremony? A Man by the name of Jess Pitts.
Q What official position did he hold at that time? A He was a preacher - Baptist minister.

It will be necessary in the case of your son, Green Smith, and in the application you made for your three minor children that proper evidence of the marriage of yourself and their mother, Bettie, be furnished. Tendencies will be allowed within which to submit such evidence.

- Q How long have you lived with Bettie? A About twenty seven years; living with her yet.
Q How many children were born to you? A I have got seven; they are all dead but four; died when they was little.

(This witness has the appearance of being almost a full blood negro, although his complexion, features and mustache would indicate that he might be possessed of a small proportion of either white or Indian blood.

Green Smith, C.

R. S. Streit, having been first duly sworn, upon his oath states that as stenographer to the Commission to the Five Civilized Tribes, he reported in full all proceedings had in the above entitled cause at Muskogee, Indian Territory, on the 27th day of June, 1902, and that the above and foregoing is a full, true and correct translation of his stenographic notes of said proceedings in said cause upon said date.

R. S. Streit

Subscribed and sworn to before me at Muskogee, Indian Territory, this *3rd* day of July, 1902.

C. A. McGuire

Commissioner.

Muskogee, Indian Territory, January 13, 1903.

Green Smith,

Muskogee, Indian Territory.

Dear Sir:

You are hereby advised that on the 13th day of January, 1903, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Hill Smith, et al., embracing the following applications for identification as Mississippi Choctaws:

| | |
|-------------------------|-------------|
| Hill Smith, et al., | M.C.R. 5788 |
| Green Smith | " 5893 |
| Jessie Dumas, et al., | " 5953 |
| Mattie Johnson, et al., | " 5954 |

These applications were made under the provision of the act of Congress of June 28, 1898 (30 Stat., 495) which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto and make report to the Secretary of the Interior."

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Hill Smith, Moses Smith, Billy Smith, Mossey Smith, Green Smith, Jessie Dumas, Marshall Dumas, John Dumas, Rinda Dumas, Algy Dumas, Floyd Dumas, Pearl Dumas, Mamie Dumas, Ruby Dumas, Mary Ward, Mattie Johnson, and James Johnson, as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of article fourteen of the treaty of eighteen hundred and thirty, and that the applications for their identification as such should be refused, and it is so ordered."

-2-

You are further advised that you will be allowed fifteen days from the date hereof within which to file arguments in this office, and that at the expiration of said time the papers in the case together with such arguments will be forwarded to the Secretary of the Interior, through the Commissioner of Indian Affairs.

Respectfully,

Acting Chairman.

Registered.

COPY.

H.C.R. 5693.

Muskogee, Indian Territory, November 30, 1903.

Green Smith,

Muskogee, Indian Territory.

Dear Sir:

You are hereby notified that on the 13th day of November, 1903, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Hill Smith, et al., of which decision you were advised by registered mail on the 13th day of January, 1903.

Respectfully,

(SIGNED)

Tamm Dixby.
Chairman.

For Identification as a Mississippi Choctaw.

Date

Name

Green Smith

Age

22

Blood

1/4

Post-Office.

Muskogee, J.T.

Father.

Will Smith

L

Mother

Bettie Smith

L

Claims through

Father.

For

Children:

Stenographer

R. S. Skelton

Choctaw MCR 5894

John H. Fraley

See MCR 41

MCR 5894

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, Indian Territory, June 27, 1902.

In the matter of the application of John H. Fraley for
the identification of himself and his minor child, Reuben Frederick
Fraley, as Mississippi Choctaws.

John H. Fraley, having been first duly sworn, upon his
oath testified as follows:

Examination by the Commission.

- Q What is your name? A John H. Fraley.
Q How old are you? A Fifty six years old.
Q How much Choctaw blood have you? A Well, sir, I suppose about one
eighth; I don't know exactly myself; couldn't say.
Q What's your post office address? A Post office is Jennyland,
Arkansas.
Q How long have you lived in the State of Arkansas? A All my life,
sir; ever since I was born, excepting what time I was out in the
war; I was in Arkansas most of the time.
Q Is your father living? A No, sir.
Q What was his name? A Allen Fraley.
Q Is your mother living? A No, sir; my mother's been dead somewhere's
near forty years.
Q What was her name? A Malinda.
Q Through which one of your parents do you derive your Choctaw
blood? A My mother, I have been taught.
Q Was your mother ever recognized in any manner or enrolled as a
member of the Choctaw tribe of Indians, in Indian Territory?
A I couldn't tell you anything about the enrollment, only I found
her name enrolled here in the office the other day as Malinda
Yates; here the other day is the only thing I knowed about
her ever having any enrollment.
Q What do you mean by that? A It was shown to me in the other room.
Q Who showed it to you? A One of these gentlemen.
Q Where was it? A It was in a little bunch of papers where he got
out; he found Malinda Yates; he just asked me the question who
Malinda Yates was, and I told him my mother's maiden name.
Q You don't know who it was? A Yes, sir; it was one of the gentlemen
here that I made inquiry about my mother's enrollment; that is her
maiden name, Malinda Yates; that's all I know about my
enrollment being made.

John H. Fraley, et al., 2.

- Q How old would your mother be if she were living now? A My mother would be about seventy eight years of age. About 78.
- Q Where was she born? A I reckon she was born in Alabama; she claimed - I heard before - she died to us children that she went to school in Tuscumbia, Alabama; I don't know where she was born, but that's ---
- Q Where did she live prior to her removal to Arkansas? A Before that time, I don't know, if it wasn't in Alabama; I know she was living right here - she come to Arkansas very small; she married in Arkansas.
- Q Did she ever live in the Choctaw Nation, Indian Territory?
- A No, sir; my mother never lived in the Choctaw Nation.
- Q Through which one of her parents did she get her Choctaw blood?
- A Her mother.
- Q What was her name? A Her name was Mary Cunningham.
- Q That was her maiden name? A That was my grand mother's maiden name; I understand she married John Yates.
- Q Did you ever see Mary Cunningham? A No, sir, never did see her; she was dead when my mother was five or six years old.
- Q Do you know where Mary Cunningham was born? A No, sir; I don't.
- Q Did you ever hear of her ever having lived in Mississippi?
- A No, sir; I can't say that I did.
- Q Did she ever live in Alabama, to your knowledge? A I suppose that she lived in Alabama, by my mother being in Alabama and going to school there; that is about all the reference I can give you as to where my mother lived.
- Q Do you know whether Mary was ever a recognized member of the Choctaw tribe of Indians? A No, sir; I do not.
- Q Did she ever live in Indian Territory? A I don't think she ever did; I don't know, sir, whether she ever did, or not.
- Q How much Choctaw blood did Mary Cunningham have? A It seems to me that they claimed she was something about a half breed; I don't remember. I can't answer that correct.
- Q Are you married? A I have been married; my wife is dead.
- Q You have never been married but once? A That's all.
- Q What was your wife's name? A Mary Lucinda Obar.
- Q Did she have any Choctaw blood? A No, sir.
- Q Have you any children who are under twenty one years of age and unmarried? A That is not married? Yes this son here is hardly twenty one.
- Q Have you any children under twenty one years of age and unmarried?
- A One child.
- Q What's the name of that child? A I just gave that. Reuben Frederick.
- Q How old is Reuben? A He will be eighteen years old the 31st of May; he will be nineteen the third day of next May.
- Q Is he living with you at this time? A Yes, sir.
- Q He has lived in Arkansas all his life? A Yes, sir.
- Q Is he the child of yourself and Mary Fraley? A Yes, sir.
- Q Were you married to Mary under a license? A No, sir; we didn't have a license law at that time; we were just married by a justice of the peace and recorded.

John H. Fraley, et al., 3.

- Q Where? A At Ozark, Arkansas.
- Q Have you any evidence of your marriage at this time? A Oh! yes.
- Q With you? A Oh! no.
- Q How long did you live with Mary? A Well, we was married in - we were married the 7th day of July, 1892.
- Q How long did you live with her? A About twenty eight years, or something about that.
- Q How many children were born to you? A Eleven.
- Q How many children are living now? A Five.
- Q Did any of those who are dead leave children? A No, sir; they was all small infants.
- Q What are the names of your four children that are of age and married? A William Allen.
- Q That's one; William Allen Fraley? A Yes, sir.
- Q Next one? A Nancy E. Jordan.
- Q Next one? A Sallie Parker.
- Q Next? A Ida Moore.
- Q Have any of them ever been before the Commission? A No, sir.
- Q Are any of them here today for the purpose of appearing before the Commission? A Yes, sir.
- Q What ones? A William and Ida, Sallie Parker; next to my eldest daughter is recorded in this town - her married.

It will be necessary that you furnish the Commission with proper evidence of your marriage to Mary Fraley; this evidence should be furnished within a period of ten days from today.

- Q Now, these children who are of age, are all the children of yourself and Mary, are they? A Yes, sir; all the children of myself and Mary.
- Q This application, is for yourself and one minor child? A Yes, sir.
- Q Is your name, or the name of this child, for whom you make application, to be found upon any of the Choctaw tribal rolls in Indian Territory? A Not that I know of sir.
- Q Has any application of any description ever been made to the Choctaw tribal authorities or the United States authorities for you or this child for the purpose of establishing your rights to citizenship in the Choctaw Nation? A I don't know of any.
- Q Then, neither you, nor this child, have ever been admitted to citizenship in the Choctaw Nation by the Choctaw tribal authorities, the Commission to the Five Civilized Tribes, or the United States Court for Indian Territory, have you? A No, sir.
- Q This, then, is the first application of any kind that has ever been made for you or this child for the purpose of establishing your rights as Choctaws? A Yes, sir; first one.
- Q Do you appear before the Commission at this time for the purpose of claiming rights in the Choctaw lands in Indian Territory for yourself and one minor child under the fourteenth article of the treaty of Dancing Rabbit Creek? A Yes, sir.

John H. Fraley, et al., 4.

This treaty of Dancing Rabbit Creek was entered into in the State of Mississippi on the 27th day of September, 1830, between the Government of the United States and the Choctaw tribe of Indians. At the time this treaty was made, the Choctaws lived in the State of Mississippi and along the western edge of the State of Alabama. The object of the treaty was to get these Indians to move from the country occupied by them in Mississippi and Alabama to a new country west of the Mississippi River a part of which is now occupied by the greater portion of the Choctaw tribe of Indians, and the Chickasaws, and is commonly known as the Choctaw-Chickasaw country, in Indian Territory. At the time the treaty was made, some of the Indians were unwilling to leave this old country in Mississippi, and for the benefit of those who preferred to stay there, what is known as the fourteenth article was put in the treaty. That fourteenth article provided that upon certain conditions a Choctaw who preferred to stay in Mississippi and not move out west to the new nation, might receive land in Mississippi for the Government. It is as follows:

"Each Choctaw head of a family being desirous to remain and become a citizen of the States shall be permitted to do so by signifying his intention to the agent within six months from the ratification of this treaty, and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land, to be bounded by sectional lines of survey; in like manner shall be entitled to one-half that quantity for each unmarried child which is living with him over ten years of age; and a quarter section for such child as may be under ten years of age, to adjoin the location of the parent. If they reside upon said land intending to become citizens of the States for five years after the ratification of this treaty, in that case a grant in fee simple shall issue; said reservation shall include the present improvement of the head of the family, or a portion of it. Persons who claim under this article shall not lose the privilege of a Choctaw citizen, but if they ever remove are not to be entitled to any portion of the Choctaw annuity."

- Q You understand that fourteenth article of the treaty of Dancing Rabbit Creek, do you? A Well, yes; I suppose I do.
- Q You think you understand that, you say? A Well, partly; I don't know; there's a right smart of it.

Well, in case a Choctaw who might have been living in the old Choctaw Nation, in 1830, decided that he wanted to stay there and not move out to the new nation with the Indians, under this fourteenth article, he had the right

stay there and get land, but in case he did want to stay there, he was required by the terms of that fourteenth article to let the agent of the Government - the Government had an agent there at that time for that purpose - know within six months from the time this treaty was ratified - the treaty was ratified on February 24, 1831 - he must let the agent know within six months from that time that he wanted to stay there and take land under that fourteenth article; he was then entitled to a reservation of one section of six hundred and forty acres of land for himself - for the head of a family - and for each child in his family who was over ten years of age when the treaty was made, he was entitled to a reservation of three hundred and twenty acres, or one-half section; for each child in his family under ten years of age when the treaty was made, he was entitled to a quarter section. These reservations, you understand, were made there in Mississippi of land there in Mississippi, and they were required to include the improvement of the head of the family as it existed on the 27th day of September, 1830, when the treaty was made, and the reservations of the children were required by the terms of the fourteenth article to adjoin the location of the parent. Now, if they lived on that land for five years from the time the treaty was ratified; that is, five years from February 24, 1831, intending to become citizens of the States, they were entitled to a grant in fee simple for the land; that is, the Government would just simply give them the land, and the land would become the property of the Indian to dispose of at his own pleasure. That fourteenth article said further, "persons who claim under this article shall not lose the privilege of a Choctaw citizen, but if they ever remove are not to be entitled to any portion of the Choctaw annuity." That is, if a man elected to stay in Mississippi and not move out to the new nation when the main body of the tribe came out here, and take land there in Mississippi under this fourteenth article of the treaty, he should not, by reason of his having done so, lose the privilege of a Choctaw citizen, but if he ever, at a later date, decided to move out to the nation, he should not be entitled to share in the Choctaw annuities, or money which becomes due to the Choctaws annually from the Government of the United States under treaty provisions.

- Q Now, I have explained to you fully the provisions of the fourteenth article of the treaty of Dancing Rabbit Creek. Do you know whether any of your Choctaw ancestors ever complied or attempted to comply with the provisions of this fourteenth article of the treaty, or ever received any benefits under it? A No, sir; I don't know. I don't really know anything about it, but don't think they ever did, because they come here - you understand I am fifty odd years old and was born in this country after my grand mother died back in that country.
- Q If they had ever gotten any land under that treaty, or ever made any effort to get land under that fourteenth article, you think

John H. Freley, et al., 6.

- you would know it? A I think I would know it. I don't know of any of them ever having any land back in that country.
- Q Do you know whether any of them lived in the old Choctaw Nation in 1830, when this treaty was made? A I think so.
- Q Who do you think of your Choctaw ancestors did own land there?
- A I say I don't know whether they owned land, but I think there was likely some of those old ones lived there.
- Q What one do you think lived there? A I think my aunt, who has made application also.
- Q What was her name? A Mandy Irene Dunn.
- Q How old is she? A I think she writes that she is about seventy years old; I think I have got a letter that she's about that.
- Q I want you to answer my question direct? A About seventy.
- Q Do you think your grand mother, Mary Cunningham, was living in the old Choctaw Nation in 1830? A I think more than likely she was.
- Q Do you know whether she owned an improvement there at that time?
- A No, sir; I do not.
- Q Or whether she was at that time a recognized member of the Choctaw tribe? A Well, I suppose she was a recognized member of the tribe.
- Q Do you know whether she was; I am asking whether you know?
- A No, I don't know.
- Q Do you know whether she, or any other of your Choctaw ancestors, within six months after this treaty of Dancing Rabbit Creek was ratified, let the agent of the Government in Mississippi for the Choctaws know they wanted to stay in Mississippi and become citizens of the States and take land? A No, sir; I don't know about that.
- Q And if any of your people ever got any land from the Government under this fourteenth article you never heard of it? A No, sir; don't know anything about that.
- Q You never heard of any of your people ever having made a claim under that article? A No, sir.

In accordance with the provisions of this fourteenth article of the treaty of Dancing Rabbit Creek, the Government of the United States directed an agent in the State of Mississippi to register the names of such Choctaws as might desire to remain there and become citizens of the States and take land. The records of the Government show that this agent failed to register and report to the Government the names of many Indians who did, in fact, let him know that they wanted to stay there and become citizens and take land, and on this account the Government at its public land sales frequently sold land upon which Choctaws lived and had improvements, and which they supposed they would receive under this fourteenth article of the treaty. This caused a great deal of complaint among the Indians, and the matter was finally brought to the attention of Congress and Congress passed certain acts between the years 1837 and 1842,

John H. Fraley, et al., 7.

providing for the appointment of commissioners whose duty it should be to come down here to Mississippi and hear the cases of Choctaws who claimed that they had complied in all respects with the provisions of article fourteen of the treaty of Dancing Rabbit Creek, but that their land had been sold by the Government. These commissioners were duly appointed by the President of the United States and they went down to Mississippi and heard a great many of these Choctaw cases.

- Q Did any of your ancestors appear before any of these commissioners and attempt to establish their rights under the fourteenth article of the treaty of Dancing Rabbit Creek, to your knowledge?
- A No, sir; not that I know about. There are many things I have heard in my childhood I have forgotten.
- Q But you don't remember ever having heard of any of your people ever having appeared before any of these commissioners? A No, sir.

An act of Congress approved on the 23rd day of August, 1842, provided that in case it should be finally decided that a Choctaw had complied in all respects with the provisions of article fourteen of the treaty of Dancing Rabbit Creek, but that his land had been sold by the Government, he should be entitled to select in the place of the land so sold by the Government, land some place else in Mississippi, or in Alabama, Louisiana, or Arkansas, from vacant Government land, and should be given a certificate to that effect. These certificates were called scrip.

- Q Did any of your ancestors ever get any of this scrip from the Government of the United States under this act of Congress?
- A I don't know, sir, but I don't think they did.
- Q You never heard of any one of them ever having gotten any scrip?
- A No, sir.
- Q So far as you know, then, none of your ancestors were ever recognized members of the Choctaw tribe? A No, sir; so far as I know.
- Q And none of them ever received any benefits? A No, as far as I knew.
- Q Do you know of any old persons living who would likely know whether any of your ancestors ever complied or attempted to comply with the provisions of that fourteenth article of the treaty of Dancing Rabbit Creek, or ever received any benefits thereunder? A I think my aunt down in the Chickasaw Nation.
- Q Mandy I. Dunn? A Yes, I think she would know more than any one else.
- Q Do you know of any one else? A Well, I know some that might probably know more; they would be in the Dunn family; there is one or two of the old Duns that - Uncle Sam Dunn would probably know about it.

John H. Fraley, et al., 8.

- Q Do you know whether Sam Dunn has ever been before the Commission?
A I don't know; I don't think that part of the Dunn family claims any Indian.
- Q Where does Sam live? A In Sebastian County, Arkansas.
- Q How old is he? A I expect somewhere's between seventy and eighty; I don't know whether I could exactly prove anything by him or not, but I would be more than likely to.
- Q You don't know of any one else who would likely know about this particular matter? A I don't think that I do. I could probably find some of those older people; I have some old people if they are living.
- Q Have you any written evidence of any kind which would prove or tend to prove that any of your ancestors ever complied or attempted to comply with the provisions of the fourteenth article of the treaty of Dancing Rabbit Creek, or ever received any benefits thereunder? A No, sir, I have not.
- Q Have you any written evidence of any kind to offer at this time in support of your application? A No, sir.
- Q Have you any witnesses here today to testify in your behalf? A No, sir, have no witnesses here today..
- Q What relation are you to Amanda I. Dunn? A She is my aunt.
- Q Your mother's sister? A Yes, sir.

Reference is hereby made to the application of
Amanda I. Dunn, et al., for identification as Mississippi
Choctaws, M.C.R.41.

- Q How many brothers did your mother have? A Many one over a half brother; she had some half brothers.
- Q Did those half brothers have the same mother as she had? A Yes, sir; same mother.
- Q Mary Cunningham? A Yes, sir.
- Q How many half brothers did she have? A She had three, I reckon.
- Q What were their names? A One was named Frank Ogden.
- Q Next one? A Riley Ogden.
- Q Next one? A Dave Ogden.
- Q Are any of them living? A None. All dead.
- Q Did any one of them leave children? A Yes, sir.
- Q What was the name of one of them who left children? A The one of them you mean left children?
- A Yes? A All of them brothers left some children. Frank Ogden left children.
- Q How many children did he leave? A I can't tell you; my sister might.
- Q You just say what you know? A I couldn't tell you.
- Q Are any of them living now? A Yes, sir.
- Q Where do they live? A I think some of them lives in Boone County, Arkansas? A Yes, sir.
- Q Do you know the names of those children? A Part of them.
- Q Name those whom you know? A One living named John Ogden.
- ~~Q Next one? A One is named Annie.~~
- Q Is she married? A I think she is.

John H. Fraley, et al., 9.

- Q Do you know her married name? A No, sir, I couldn't tell - call it
Q Next one? A One is named Becky.
Q Married? A Yes, sir.
Q Do you know her married name? A Yes, sir.
Q What is it? A Fondren.
Q Name another one of those? A You will have to give me time to study.
Q We haven't time to wait? A They are a long ways off.
Q What are the names of the children of another of your mother's half brothers? A John Ogden.
Q Whose son is he? A That is the son of Dave Ogden.
Q Next one? A One named Archie.
Q Archie is Dave's son? A Yes, sir.
Q Next one? A The eldest one is Riley.
Q That all of his children? A No, there is one named -- some of them, I don't know.
Q What's the name of the children of your mother's other half brother who are living? A Of old man Riley?
Q Yes? A I don't know none of them.
Q Do you know whether any of these children of your mother's half brothers have been before this Commission? A I don't know anything only what I have heard. I heard that old Riley, or Frank's son, has been before the Commission and died, but I don't know whether that's so. You just asked me the next one, so I had to answer it like I did. One, I understand has made application, of old man Frank's boys, that is Dave Riley, and he has died since that. If any of the rest of them have made application, I don't know it.
Q Did your mother ever have any other sisters besides Mandy I. Dunn?
A No, sir.
Q Did she ever have any half sisters? A Not that I know of. Just these three boys that I know of.
Q Have you named all of the living descendants of Mary Cunningham whose names you know? A Yes, all them living that I know; that is yes, that was all I know.
Q You have not named your own brothers and sisters? A No, not all of them; haven't named any of them.
Q How many brothers have you living? A I have nary one living; one dead is all.
Q Did he leave children? A Yes, sir; he left children.
Q How many? A Left three children.
Q What are their names? A One is named John Fraley.
Q Next one? A The other one is named -- well, I can't think of his name at the present.
Q Next one? A Named Jesse.
Q Have they been before the Commission? A Not sir.
Q How many sisters have you living? A One.
Q What's her name? A Mollie.
Q Mollie what? A Perrymore.
Q Have you any sisters dead? A Yes, sir.
Q How many? A One.
Q Did she leave children? A No, sir.
Q Mollie Perrymore is here today for the purpose of making application? A Yes, sir.

John H. Fruley, et al., 10.

- Q Are there any further statements you want to make at this time in support of your application? A No, sir; I don't think there is.
- Q You don't speak or understand the Choctaw language? A No, sir.

(The applicant has the appearance of being a white man and shows no indication of being possessed of Indian blood; he has black hair, rather dark complexion and dark brown eyes. He does not speak or understand the Choctaw language, and has no knowledge of a compliance on the part of any of his ancestors with the provisions of the fourteenth article of the treaty of Dancing Rabbit Creek.)

R. S. Strait, having been first duly sworn, upon his oath states that as stenographer to the Commission to the Five Civilized Tribes, he reported in full all proceedings had in the above entitled cause at Muskogee, Indian Territory, on the 27th day of June, 1902, and that the above and foregoing is a full, true and correct translation of his stenographic notes of said proceedings in said cause upon said date.

R. S. Strait

Subscribed and sworn to before me at Muskogee, Indian Territory, this *27th* day of July, 1902.

C. R. McGuire

Commissioner.

M.C.R. 5594

Muskogee, Indian Territory, August 2, 1902.

Fralley
John H. Fralley,

Jenny Lind, Arkansas,

Dear Sir:

Receipt is hereby acknowledged of the certified copy of the marriage record between H. Fralley and Mary L. O'Bar, also affidavit of J. W. Pile to the marriage of John H. Fralley and Mary Lucinda Obar.

It appears from the records of the Commission that John H. Fralley is an applicant for the identification of himself and minor child, Reuben F., as Mississippi Choctaws. At the time this application was made the name of his wife was given as Mary L. Fralley. The certified copy of the marriage record between H. Fralley and Mary L. O'Bar cannot be filed with the record in your case until some explanation is made in the discrepancy of names as shown in the application and in the certified copy of the marriage record and the same is herewith returned you.

The affidavit of J. W. Pile has been filed with the record in your case.

Yours truly,

Enc.
C.R.S.
7.

Acting Chairman.

M.C.R, 8894

Muskogee, Indian Territory, August 2, 1902.

John H. Fraley,
Jenny Lind, Arkansas.

Dear Sir:

Receipt is hereby acknowledged of the certified copy of the marriage record between H. Fraley and Mary L. O'Bar, also affidavit of J. W. Fife to the marriage of John H. Fraley and Mary Lucinda Obar.

It appears from the records of the Commission that John H. Fraley is an applicant for the identification of himself and minor child, Reuben F., as Mississippi Choctaws. At the time this application was made the name of his wife was given as Mary L. Fraley. The certified copy of the marriage record between H. Fraley and Mary L. O'Bar cannot be filed with the record in your case until some explanation is made in the discrepancy of names as shown in the application and in the certified copy of the marriage record and the same is herewith returned you.

The affidavit of J. W. Fife has been filed with the record in your case.

Yours truly,

Enc.
S.R.S.
V.

Acting Chairman.

COPY

M.C.R. 5894

Muskogee, Indian Territory, February 17, 1903.

John E. Fraley,

Jennyland, Arkansas.

Dear Sir:

You are heroby advised that on the 17th day of February, 1903, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Amanda I. Dunn, et al., embracing the following applications for identification as Mississippi Choctaws:

| | |
|-------------------------------------|-------------|
| Amanda I. Dunn, | M.C.R. 41 |
| Annie Catherine Cololasure, et al., | M.C.R. 43 |
| John H. Dunn, et al., | M.C.R. 42 |
| Mollie C. Little, et al., | M.C.R. 5569 |
| William H. Dunn, et al., | M.C.R. 5015 |
| Henry E. Dunn, et al., | M.C.R. 4998 |
| John H. Fraley, et al., | M.C.R. 5894 |
| William A. Fraley, et al., | M.C.R. 5915 |
| Ida F. Moore, et al., | M.C.R. 5896 |
| Mollie J. Perrymore, et al., | M.C.R. 5898 |
| John Fraley, et al., | M.C.R. 6053 |
| George W. Fraley, | M.C.R. 6054 |
| Martha M. Thomas, et al., | M.C.R. 4834 |
| William Thomas, | M.C.R. 4836 |
| Hilton Thomas, | M.C.R. 4837 |
| George M. Thomas, | M.C.R. 4838 |
| William Been, et al., | M.C.R. 4675 |
| McClelland Been, | M.C.R. 4833 |
| Jenettie M. Lathrum, et al., | M.C.R. 4835 |
| William W. Lee, et al., | M.C.R. 5567 |
| Otis Lee, et al., | M.C.R. 4967 |
| Inez G. Gurley, et al., | M.C.R. 5541 |
| Ob Dunn, et al., | M.C.R. 5274 |
| Arlena M. Kreipke, et al., | M.C.R. 6219 |
| John F. Zachary, | M.C.R. 6220 |
| Irene J. Zachary, et al., | M.C.R. 6217 |
| Anna Belle Zachary, | M.C.R. 6218 |

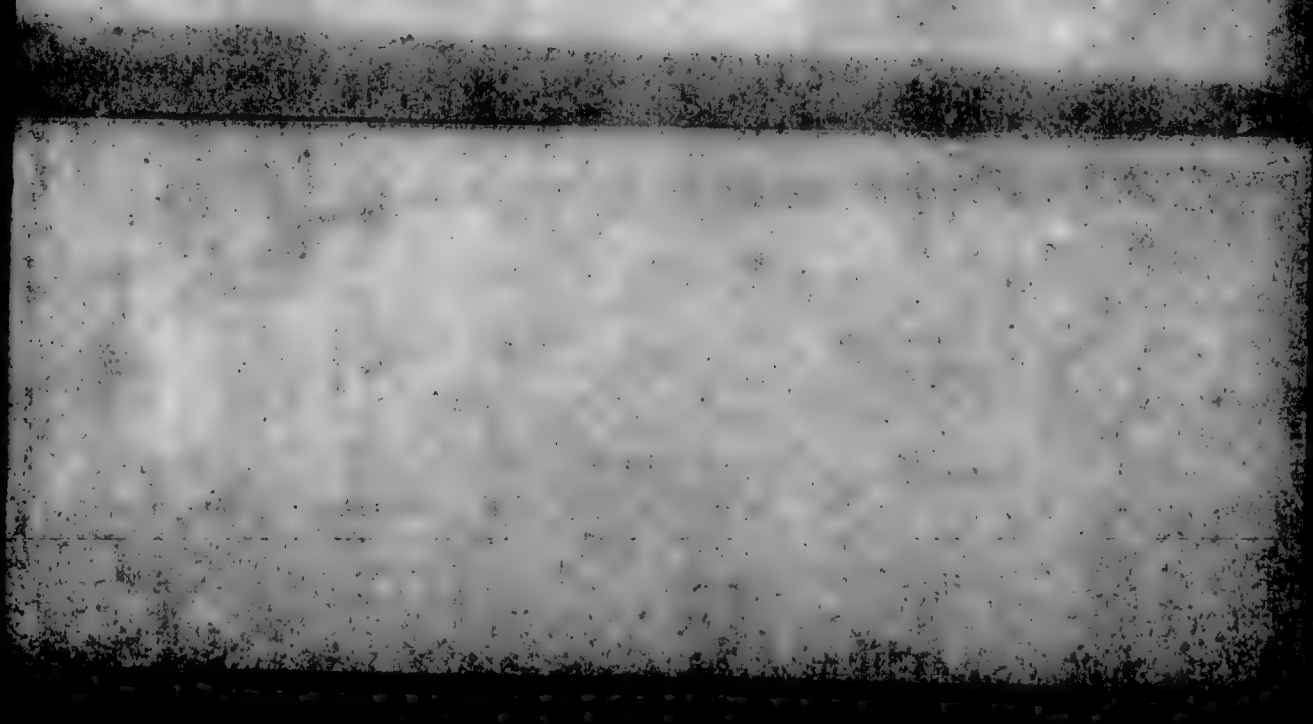
These applications were made under the provision of the act of Congress of June 28, 1898 (30 Stats., 495) which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto and make report to the Secretary of the Interior."

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Amanda I. Dunn, Annie Catherine Cololasure, Jennie Cololasure, Ottie Cololasure, Gracie Cololasure, John H. Dunn, John H. Dunn, Jr., Jesse Dunn, Deanie Dunn, Dora Dunn, Mollie C. Little, William H. Dunn, Rufus E. Dunn, Bessie I. Dunn, Dora E. Dunn, Henry E. Dunn, Reubie Dunn, Bernie Dunn, Opal Dunn, John H. Fraley, Reuben Frederick Fraley, William A. Fraley, Edna May Fraley, Mary E. Fraley, Rosa May Fraley, Ida F. Moore, Pearl E. Moore, Mollie J. Perrymore, Thomas F. Perrymore, Bus Perrymore, Ora M. Perrymore, Bunny Perrymore, Nina C. Perrymore, John Fraley, Ira V. Fraley, Jesse A. Fraley, George W. Fraley, Martha M. Thomas, Frank K. Thomas, Tracy Thomas, Sarah Thomas, Minny E. Thomas, Winfield S. Thomas, Robert D. Thomas, Winfred W. Thomas, Jesse S. Thomas, Ida May Thomas, Nora M. Thomas, Miles A. Thomas, William Thomas, Milton Thomas, George M. Thomas, William Been, Emily J. Been, Jessie Been, Eggie M. Been, McClelland Been, Jenettie M. Lathrum, Johnnie Lathrum, Newton Lathrum, Blanche A. Lathrum, Leil Lathrum, William W. Lee, William L. Lee, Alva P. Lee, Artie E. Lee, Sylvester C. Lee, Manda M. Lee, Laura C. Lee, Marion O. Lee, Otis Lee, Charity Melvina Lee, Ines G. Curley, David Larton Curley, Ob Dunn, Ora Lee Dunn, William P. Dunn, Lillian T. Dunn, Benjamin E. Dunn, John L. Dunn, Arlena M. Kreipke, Iva Belle Kreipke, John B. Kreipke, John F. Zachery, Irene J. Zachery, Charlie B. Zachery and Anna Belle Zachery, as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the applications for their identification as such should be refused, and it is so ordered.

It is the further opinion of this Commission that under the provision of law above quoted, no person is entitled to identification as a Mississippi Choctaw by marriage, and that



John H. Fraley, -3

the applications made by John W. Dunn for the identification of his wife, Mollie Dunn, and by Mollie C. Little for the identification of her husband, Willie Little, as intermarried Mississippi Choctaws, should, therefore, be refused, and it is so ordered."

You are further advised that you will be allowed fifteen days from the date hereof within which to file arguments in this office, and that at the expiration of said time the papers in the case together with such arguments will be forwarded to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

Tamie Bixby.

Acting Chairman.

Registered.

M.C.R. 5896

COPY.

Muskogee, Indian Territory, August 27, 1904.

John H. Fraley,

Jerryland, Arkansas,

Dear Sir:

You are hereby notified that on the 15th day of August, 1904, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Amanda I. Dunn, et al., of which decision you were advised by registered mail on the 17th day of February, 1903.

Respectfully,

(SIGNED)

Tame Birby.

Chairman.

5894

For Identification as a Mississippi Choctaw.

Date

JULY 21 1891

Name

John H. Fraley

Age

56

Blood

$\frac{1}{8}$

Post-Office,

Jenny Lind, Ark.

Father.

Allen Fraley

d

Mother.

Malinda "

d

Claims through

mother.

wife.

Mary^t Fraley

d

No Choctaw blood.

Children:

Reuben F. Fraley

'8

For signature

Stenographer

R. S. Street

Choctaw MCR 5895

Mollie J. Perrymore

See MCR 41

5895 MCR

M C R 5895.

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, Indian Territory, June 27, 1902.

In the matter of the application of Mollie J. Perrymore
for the identification of herself and her five minor children,
Thomas F., Bue, Ora M., Bunny and Nina C. Perrymore, as Mississippi
Choctaws.

Mollie J. Perrymore, having been first duly sworn, upon
her oath testified as follows:

Examination by the Commission.

- Q What is your name? A Mollie J. Perrymore.
Q How old are you? A Forty six.
Q How much Choctaw blood do you claim to have? A Well, I couldn't
tell you; I never claimed -- I don't know any part to claim.
Q You don't know how much you have? A No, sir.
Q What is your post office address? A Dublin, Logan County, Arkan-
sas.
Q How long have you lived in Logan County, Arkansas? A I have
been there about twenty five or six years.
Q Where did you live before that? A In Arkansas.
Q You have lived in the State of Arkansas all of your life?
A Yes, sir.
Q Is your father living? A No, sir.
Q What was his name? A Allen Fraley.
Q Is your mother living? A No, sir.
Q What was her name? A Malinda Fraley.
Q Through which one of your parents do you derive Choctaw blood?
Your mother or father? A My mother.
Q How old would your mother be if she were living today? A I
couldn't tell you.
Q About how old? A Well, I haven't much idea.
Q Do you know where she was born? A No, sir; I couldn't tell you
where she was born; she was --
Q Through which one of her parents did she get her Choctaw blood,
her father or her mother? A Her mother, I think.
Q What was her name? A Cunningham, I think.
Q What was her given name? A Mary Cunningham.
Q You don't know how old Mary would be if she were living now?
A No, sir; I don't know.
Q Do you know the names of Mary's parents? A As well as I have
been taught -- as well as I can remember the names of them.
Testimony.

Hollie J. Perrymore, et al., 2.

- Q Well, now, her father's and mother's name, if you know? A I don't know their names; that's all I can tell you.
- Q What relation are you to John H. Fraley, who appeared before the Commission here this morning? A Sister.
- Q Full sister? A Yes, sir.
- Q Was your mother ever recognized or enrolled in any manner as a member of the Choctaw tribe of Indians, in Indian Territory, to your knowledge? A Not to my knowledge.
- Q Do you know whether Mary Cunningham was ever a recognized member of the Choctaw tribe? A No, sir; I don't know.
- Q Are you married? A No married?
- Q Yes? A Yes, sir.
- Q Husband living? A No, sir.
- Q What was his name? A Frank Perrymore.
- Q Did he have any Choctaw blood to your knowledge? A None that ever I heard of.
- Q How many children have you living who are under twenty one years of age and unmarried? A Five.
- Q What are their names and ages? A The oldest one is Thomas F. Perrymore.
- Q How old is he? A Twenty.
- Q Next one? A Bue Perrymore.
- Q How old is Bue? A Sixteen.
- Q Next one? A Ora M., fourteen.
- Q That's a girl? A Yes, sir.
- Q Bue is a boy? A Yes, sir.
- Q Next one? A Bunny.
- Q How old is Bunny? A Twelve.
- Q Girl or boy? A Boy.
- Q Next one? A Nina C.
- Q How old is she? A She's ten.
- Q These children all that you have? A Yes, sir.
- Q This application, then, is for yourself and five minor children? A Yes, sir.
- Q How many children have you of age? A Over age?
- Q Yes? A Two married.
- Q What are their names? A One is Edna.
- Q Edna what? A Want her husband's name? A
- Q Yes? A Edna Ramsey.
- Q Next? A Wadd Garner.
- Q Have they been before the Commission? A No, sir.
- Q Have you named all your children who are living? A Yes, sir.
- Q Have you any children dead? A One.
- Q How old was that child when it died? A It wasn't hardly three months old.
- Q Is your name, or the name of any one of these children, for whom you make application, to be found upon any of the Choctaw tribal rolls in Indian Territory? A No, sir.
- Q Has any application of any description ever been made to the Choctaw tribal authorities in Indian Territory for you or for one of these children for the purpose of establishing your rights as Choctaw Indians? A No, sir.

Mollie J. Perrymore, et al., 3.

- Q Did you, or any one for you, in the year, or did any one for any of these children, at that time, make application to this Commission for citizenship in the Choctaw Nation under the act of Congress approved June 10, 1896? A No, sir.
- Q This is the first application of any description that has ever been made for any of these applicants for the purpose of establishing your rights as Choctaw Indians? A Yes, sir.
- Q None of you have ever been admitted to citizenship in the Choctaw Nation, or enrolled as members of that tribe? A No, sir.
- Q Do you appear before the Commission at this time for the purpose of claiming rights in the Choctaw lands in Indian Territory for your self and minor children under the provisions of article fourteen of the treaty of Dancing Rabbit Creek? A Yes, sir.

The treaty of Dancing Rabbit Creek was entered into in the State of Mississippi on the 27th day of September, 1830, between the Government of the United States and the Choctaw tribe of Indians. At the time this treaty was made, the Choctaws lived in the State of Mississippi and along the western edge of the State of Alabama. The object of the treaty was to get these Indians to move from the country occupied by them in Mississippi and Alabama to a new country west of the Mississippi River, a part of which is now occupied by the greater portion of the Choctaw tribe of Indians, and the Chickasaws, and is commonly known as the Choctaw Nation, in Indian Territory. At the time the treaty was made, some of the Indians were unwilling to leave the Old Nation, and for the benefit of those who preferred to remain there, what is known as the fourteenth article was put in the treaty. That fourteenth article provided that upon certain conditions a Choctaw who preferred to stay in Mississippi and not move out to the new Nation might receive land in Mississippi from the Government of the United States. It is as follows:

"Each Choctaw head of a family being desirous to remain and become a citizen of the States shall be permitted to do so by signifying his intention to the Agent, within six months from the ratification of this treaty, and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land to be bounded by sectional lines of survey; in like manner shall be entitled to one-half that quantity for each unmarried child which is living with him over ten years of age; and a quarter section for each child as may be under ten years of age, to adjoin the location of the parent. If they reside upon said land intending to become citizens of the States for five years after the ratification of this treaty, in that case a grant in fee simple

Mollie J. Perrymore, et al., 4.

shall issue; said reservation shall include the present improvement of the head of the family, or a portion of it. Persons who claim under this article shall not lose the privilege of a Choctaw citizen, but if they ever remove are not to be entitled to any portion of the Choctaw annuity

- Q You understand that fourteenth article? A I think I do.
- Q Did any of your ancestors ever comply or attempt to comply with the provisions of this fourteenth article of the treaty of Dancing Rabbit Creek, or ever receive any benefits thereunder? A I can't tell you anything about that.
- Q Did any of them own an improvement in what constituted the old Choctaw Nation, in Mississippi and Alabama, in the year 1830, when the treaty of Dancing Rabbit Creek was made? A Not that I know of.
- Q Did any of them live there at that time to your knowledge?
- A Not to my knowledge.
- Q Did any of them, within six months after the treaty of Dancing Rabbit Creek was ratified, let the agent of the Government in Mississippi for the Choctaws know they wanted to stay in Mississippi and become citizens of the States and take land? A I couldn't tell you that.
- Q Did any of them remove to the present Choctaw Nation, in Indian Territory, at the time of the removal of the greater portion of the Choctaw tribe of Indians, between the years 1833 and 1838?
- A I don't know that.
- Q Did any of them ever claim or receive any land in Mississippi from the Government of the United States under the fourteenth article of the treaty of Dancing Rabbit Creek? A Not that I know of.

In accordance with the provisions of this fourteenth article of the treaty of Dancing Rabbit Creek, the Government of the United States directed an agent in the State of Mississippi to register the names of such Choctaws as might desire to remain there and become citizens of the States and take land. The records of the Government show that this agent failed to register and report to the Government the names of many Choctaws who did, in fact, let him know that they wanted to stay in Mississippi and become citizens of the States and take land. This account the Government at its public land sales in the State of Mississippi in many instances sold land upon which Choctaws lived and had improvements, and which they supposed they would receive under the fourteenth article of the treaty. This caused a great deal of complaint among the Indians, and the matter was finally brought to the attention of Congress and Congress passed certain acts between the years 1837 and 1838, providing for the appointment of commissioners to come down to Mississippi and hear the cases of Choctaws who claimed that they had complied in all respects with the provisions of the fourteenth article of

Mellie J. Perrymore, et al., 5.

the treaty of Dancing Rabbit Creek, but that their land had been sold by the Government. These commissioners were duly appointed by the President of the United States and they went down to Mississippi and heard a great many of these Choctaw cases.

- Q Did any of your ancestors appear before any of these commissioners and attempt to establish their rights under the fourteenth article of the treaty of Dancing Rabbit Creek? A I couldn't tell you.

An act of congress approved on the 23rd day of August 1842, provided that in case it should be finally decided that a Choctaw had complied in all respects with the provisions of the fourteenth article of the treaty of Dancing Rabbit Creek, he should be entitled to select in the place of the land so sold by the Government, land some place else in Mississippi, or in Alabama, Louisiana, or Arkansas, from vacant Government land, and should be given a certificate to that effect. These certificates were called scrip.

- Q Did any of your ancestors ever get any of this scrip from the Government of the United States under this act of Congress, to your knowledge? A Not to my knowledge.
- Q You never did hear of any of your ancestors ever having gotten any land from the Government under this fourteenth article, or any scrip from the Government? A No, sir; never have.
- Q Do you think it probable, in case that any of your ancestors had received benefits under this fourteenth article of the treaty of Dancing Rabbit Creek, you would have heard of it? A I don't know; I expect I would.
- Q So far as you know, then, none of your ancestors ever were recognized members of the Choctaw tribe, and none of them ever received any benefits as such? A So far as I know.
- Q Do you know of any old persons living who would likely know whether any of your ancestors ever complied or attempted to comply with the provisions of article fourteen of the treaty of Dancing Rabbit Creek, or ever received any benefits thereunder?
- A I think my aunt that is living in the Territory would be likely to know.
- Q Who is she? A Mandy I. Dunn.
- Q You don't know of any one else who would likely know about it?
- A Well, some of the old Dunn family - old man Sam Dunn, and some of them that knew our ancestors in their young days would probably know something about it.
- Q Where do they live? A In Sebastian County.
- Q Arkansas? A Arkansas.
- Q Do you know of any written evidence of any description which would prove or tend to prove such a state of fact? A No, sir.

Mollie J. Perrymore, et al., 6a.

- Q Have you any written evidence of any kind to offer at this time?
A No, sir; all the evidence we have got is the names that's been found on the books here.
Q Well, now, I don't know what you mean by that. What do you mean by the names that are found on the books here? A The same names of our old ancestors is on the books, or rolls, the book of names.
Q Who are your your ancestors? A This Mary Cunningham.
Q Who told you about it? A My brother saw the name this morning he said.
Q Well, now, he was shown the name in the papers in the case of Mandy I. Dunn, for identification as a Mississippi Choctaw, where Mandy I. Dunn had testified as to the names of her Choctaw ancestors? A No, answer)

By Applicant's brother:

I suppose that's where I saw it.

- Q You have no written evidence to offer? A No, sir.
Q You want your case considered in connection with the Mandy I. Dunn case, do you? A Yes, sir.
Q Have you any witnesses here today to testify in your behalf?
A None that I know of.

If you should find any witnesses whose testimony you desire to have taken by the Commission they may appear here within ten days from this date, and their testimony will be taken. Or if you should see fit to offer any written evidence in support of this application, if received within ten days from this date, it will be considered in your case.

- Q Are there any further statements you want to make at this time in your case? A No, sir, I don't know of any.

The applicant has the appearance of being a white woman, and shows no indication of being possessed of Indian blood. She does not speak or understand the Choctaw language, and has no knowledge of a compliance on the part of any of her ancestors with the provisions of the fourteenth article of the treaty of Dancing Rabbit Creek.)

Special reference is hereby made to M. C. R. 41, Mandy I. Dunn, et al., this applicant and the applicant in said case being the descendants of a common Choctaw ancestor, Mary Cunningham, when the testimony of the applicant shows was probably living in the old Choctaw Nation in 1830, and the head of a family.

Mollie J. Parrymore, et al., 7.

R. S. Streit, having been first duly sworn, upon his oath states that as stenographer to the Commission to the Five Civilized Tribes, he reported in full all proceedings had in the above entitled cause at Muskogee, Indian Territory on the 27th day of June, 1902, and that the above and foregoing is a full, true and correct translation of his stenographic notes of said proceedings in said cause upon said date.

R. S. Streit

Subscribed and sworn to before me at Muskogee, Indian Territory, this 2nd day of July, 1902.

F. H. Richardson

Commissioner.

Muskogee, Indian Territory, February 17, 1903.

Mollie J. Perrymore,

Dublin, Arkansas.

Dear Madam:

You are hereby advised that on the 17th day of February, 1903, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Amanda I. Dunn, et al., embracing the following applications for identification as Mississippi Choctaws:

| | |
|-------------------------------------|-------------|
| Amanda I. Dunn, | M.C.R. 41 |
| Annie Catherine Cololasuro, et al., | M.C.R. 43 |
| John H. Dunn, et al., | M.C.R. 42 |
| Mollie C. Little, et al., | M.C.R. 5569 |
| William H. Dunn, et al., | M.C.R. 5016 |
| Henry E. Dunn, et al., | M.C.R. 4998 |
| John H. Fraley, et al., | M.C.R. 5894 |
| William A. Fraley, et al., | M.C.R. 5915 |
| Ida F. Moore, et al., | M.C.R. 5896 |
| Mollie J. Perrymore, et al., | M.C.R. 5895 |
| John Fraley, et al., | M.C.R. 6053 |
| George W. Fraley, | M.C.R. 6054 |
| Martha M. Thomas, et al., | M.C.R. 4834 |
| William Thomas, | M.C.R. 4836 |
| Milton Thomas, | M.C.R. 4837 |
| George M. Thomas, | M.C.R. 4838 |
| William Been, et al., | M.C.R. 4675 |
| McClelland Been, | M.C.R. 4833 |
| Jenettie M. Lathrum, et al., | M.C.R. 4835 |
| William W. Lee, et al., | M.C.R. 5567 |
| Otis Lee, et al., | M.C.R. 4967 |
| Ines G. Curley, et al., | M.C.R. 5541 |
| Ob Dunn, et al., | M.C.R. 5274 |
| Arlena M. Kreipke, et al., | M.C.R. 6219 |
| John F. Zachery, | M.C.R. 6220 |
| Irene J. Zachery, et al., | M.C.R. 6217 |
| Anna Belle Zachery, | M.C.R. 6218 |

These applications were made under the provision of the act of Congress of June 28, 1898 (30 Stats., 495) which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto and make report to the Secretary of the Interior."

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Amanda I. Dunn, Annie Catherine Golclasure, Jennie Golclasure, Ottie Golclasure, Gracie Golclasure, John H. Dunn, John H. Dunn, Jr., Jesse Dunn, Deanie Dunn, Dora Dunn, Mollie C. Little, William H. Dunn, Rufus E. Dunn, Bessie I. Dunn, Dora E. Dunn, Henry E. Dunn, Reubie Dunn, Bernie Dunn, Opal Dunn, John H. Fraley, Reuben Frederick Fraley, William A. Fraley, Edna May Fraley, Mary E. Fraley, Rosa May Fraley, Ida E. Moore, Fearl R. Moore, Mollie J. Perrymore, Thomas F. Perrymore, Bue Perrymore, Ora H. Perrymore, Bunny Perrymore, Nina C. Perrymore, John Fraley, Ira V. Fraley, Jesse A. Fraley, George W. Fraley, Martha M. Thomas, Frank K. Thomas, Tracy Thomas, Sarah Thomas, Minny E. Thomas, Winfield S. Thomas, Robert D. Thomas, Winfred W. Thomas, Jesse S. Thomas, Ida May Thomas, Nora M. Thomas, Miles A. Thomas, William Thomas, Milton Thomas, George M. Thomas, William Been, Emily J. Been, Josie Been, Eggle M. Been, McClelland Been, Jenettie M. Lathrum, Johnnie Lathrum, Newton Lathrum, Blanche A. Lathrum, Icell Lathrum, William W. Lee, William L. Lee, Alva P. Lee, Artie E. Lee, Silvester C. Lee, Manda M. Lee, Laura C. Lee, Marion O. Lee, Otis Lee, Charity Melvina Lee, Inez G. Curley, David Larton Curley, Ob Dunn, Ora Lee Dunn, William F. Dunn, Lillian T. Dunn, Benjamin E. Dunn, John L. Dunn, Arlena M. Kreipke, Iva Belle Kreipke, John B. Kreipke, John F. Zachery, Irene J. Zachery, Charlie B. Zachery and Anna Belle Zachery, as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the applications for their identification as such should be refused, and it is so ordered.

It is the further opinion of this Commission that under the provision of law above quoted, no person is entitled to identification as a Mississippi Choctaw by marriage, and that the applications made by John H. Dunn for the identification of his wife, Mollie Dunn, and by Mollie C. Little for the identification of her husband, Willie Little, as intermarried

Mollie J. Perrymore, -3

Mississippi Choctaws, should, therefore, be refused, and it is so ordered."

You are further advised that you will be allowed fifteen days from the date hereof within which to file arguments in this office, and that at the expiration of said time the papers in the case together with such arguments will be forwarded to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

SIGNED

Tamc Dixie.

Acting Chairman.

Registered.

Muskogee, Indian Territory, March 6, 1903.

Molley Perrymore,
Dublin, Arkansas.

Dear Madam:

Receipt is hereby acknowledged of your letter of the 28th ultimo, in which you ask if W. M. Gravens "has presented proof in my case."

In reply to your letter you are informed that the application made by you for the identification of yourself and minor children as Mississippi Choctaws was made a part of the consolidated Mississippi Choctaw case of Amanda I. Dunn and certain other persons, applicants to this Commission for identification as Mississippi Choctaws, claiming descent from the same common ancestor, and that the fifteen days heretofore granted the applicants in this case within which to file arguments in support of their claim to be forwarded to the Secretary of the Interior, expired on March 4, 1903. On March 5, 1903, the record in the case, together with the decision of the Commission refusing the several applications therein, was transmitted to the Secretary of the Interior. You will be duly notified of the action of the Secretary.

It does not appear from our records that any documentary

M P 2

evidence in support of your claim has been filed with the Commission by Mr. W. M. Cravens.

Respectfully,

Chairman.

Copy.

Muskogee, Indian Territory, August 27, 1904.

Mollie J. Perrymore,

Dublin, Arkansas.

Dear Madam:

You are hereby notified that on the 15th day of August, 1904, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Amanda I. Dunn, et al., of which decision you were advised by registered mail on the 17th day of February, 1903.

Respectfully,

(SIGNED)

Tamc Bixby

Chairman.

For Identification as a Mississippi Choctaw

Date JUN 24 1911

Name Mollie J. Perrymore

Age 46 Blood dont know

Post-Office Dublin, Ark.

Father: Allen Fraley d

Mother: Malinda " d

Claims through mother

husband Frank Perrymore d
no Choctaw blood.

For self has 5 children

Children:

Thos. J. Perrymore 20

Bue " (M) 16

Ora M. " (F) 14

Bunny " (M) 12

Nina J. " (F) 10

Choctaw MCR 5896

Ida F. Moore

See MCR 41

MCR 5896

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, Indian Territory, June 27, 1902.

In the matter of the application of Ida F. Moore for the identification of herself and her one minor child, Fencil E. Moore, as Mississippi Choctaws.

Ida F. Moore, having been first duly sworn, upon her oath states as follows:

Examination by the Commission.

- Q What is your name? A Ida F. Moore.
Q How old are you? A I am twenty years old the eighth of December.
Q How much Choctaw blood have you? A I couldn't tell you.
Q Don't know? A My father can.
Q You just answer my questions direct? A All right.
Q What's your post office address? A Fennyland, Arkansas.
Q How long have you lived in the State of Arkansas? A Most all my life.
Q You born there? A Yes, sir.
Q Is your father living? A Yes, sir.
Q What's his name? A Fraley.
Q Full name? A John H. Fraley.
Q Your mother's name? A Mary Fraley.
Q Is she living? A No, sir.
Q Through which one of your parents do you derive your Choctaw blood? A My father.
Q Is John H. Fraley who appeared before the Commission here this morning your father? A Yes, sir.
Q Has he ever been recognized in any manner or enrolled as a member of the Choctaw tribe of Indians in Indian Territory, to your knowledge? A Not to my knowledge.
Q Are you married? A Yes, sir.
Q Is your husband living? A Yes, sir.
Q What's his name? A Will H. Moore.
Q Has he any Choctaw blood? A Not as I know of.
Q You make no claim for him? A No, sir.
Q Have you any children? A Just one.
Q What's that child's name? A Fencil E. Moore.
Q How old is that child? A He is fourteen months old.
Q The child of yourself and Will H. Moore is he? A Yes, sir.
Q This application, then, is for yourself and one minor child?
A Yes, sir.
Q Is your name on any of the Choctaw tribal rolls in Indian Territory?
A Not that I know of.
Q Has any application of any description ever been made for you to the Choctaw tribal authorities in Indian Territory for the purpose

Ida F. Moore, et al., 2.

- of establishing your rights as a Choctaw Indian? By the tribal authorities, I mean the officers of the Choctaw Indian Government - the officers of the Choctaw Government down there in the Nation?
- A Not that I knew of.
- Q Was any application made in your behalf in the year 1896 to the Commission to the Five Civilized Tribes for the citizenship in the Choctaw Nation under the act of Congress approved June 10, 1896? A Not that I knew of.
- Q Then, you have never been admitted to citizenship in the Choctaw Nation, Indian Territory, by the United States authorities or the Choctaw tribal authorities, have you? A Never been admitted to citizenship?
- Q Never been admitted to citizenship down there? A Not that I knew of.
- Q Is this the first application of any description that has ever been made for you or this minor child for the purpose of establishing your rights as Choctaw Indians? A Yes, sir.
- Q You appear before the Commission at this time for the purpose of claiming rights in the Choctaw lands in Indian Territory for yourself and minor child under the fourteenth article of the treaty of Dancing Rabbit Creek? A Yes, sir.

This treaty of Dancing Rabbit Creek was entered into in the State of Mississippi on the 27th day of September, 1830, between the Government of the United States and the Choctaw tribe of Indians. At the time the treaty was made, the Choctaws lived in the States of Mississippi and Alabama. The object of the treaty was to get these Indians to move from the country occupied by them there in Mississippi and Alabama, to a new country west of the Mississippi River, a part of which is now occupied by the greater portion of the Choctaw tribe of Indians, and the Chickasaws, and is commonly known as the Choctaw-Chickasaw country, in Indian Territory. At the time the treaty was made, some of these Indians were unwilling to leave the old Nation in Mississippi, and for the benefit of those who preferred to stay there what is known as the fourteenth article was put in the treaty. That fourteenth article provided that upon certain conditions a Choctaw who preferred to stay in Mississippi and not move out to the new nation might receive land there in Mississippi from the Government. It is as follows:

"Each Choctaw head of a family being desirous to remain and become a citizen of the States shall be permitted to do so by signifying his intention to the agent within six months from the ratification of this treaty, and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land, to be bounded by sectional lines of survey; in like manner shall be entitled to one-half that quantity for each unmarried child which is living with him over ten years of age; and a quarter section for each child as may be under ten years

Ida F. Moore, et al., 3.

of age, to adjoin the location of the parent. If they reside upon said land intending to become citizens of the States for five years after the ratification of this treaty in that case a grant in fee simple shall issue; said reservation shall include the present improvement of the head of the family, or a portion of it. Persons who claim under this article shall not lose the privilege of a Choctaw citizen, but if they ever remove are not to be entitled to any portion of the Choctaw annuity."

Q You understand that fourteenth article, do you? A No, sir, I don't understand it.

Well, in case a Choctaw who might have been living in the State of Mississippi in 1830, when this treaty was made, decided that he wanted to stay in Mississippi and not move out west to the new nation, he was entitled, as I have above stated, to take land in Mississippi, but he was required by the terms of that fourteenth article to let the agent of the Government know within six months from the time the treaty was ratified, that is, six months from February 24, 1831, the day the treaty was ratified, that he wanted to stay there and take land and become a citizen of the States under this fourteenth article; he was then entitled to a reservation of one section of six hundred and forty acres of land, that is for each head of a family, and for each child in his family over ten years of age when the treaty was made, he was entitled to a half section or three hundred and twenty acres of land, and for each child in his family under ten years of age when the treaty was made, he was entitled to a quarter section, or one hundred and sixty acres of land. The reservations for the children were required by the terms of the fourteenth article to adjoin the location of the parent, and these reservations in every instance included the improvement of the head of the family as it existed when the treaty was made. If the Indian lived on that land for five years from February 24, 1831, or, until February 24, 1836, he was entitled to a grant in fee simple for the land; that is the Government would give him a deed or patent to it, and it became the property of the Indian to dispose of at his pleasure. The concluding clause of that fourteenth article is as follows: "Persons who claim under this article shall not lose the privilege of a Choctaw citizen, but if they ever remove are not to be entitled to any portion of the Choctaw annuity." That is, that Indians who stayed in Mississippi and took land under this fourteenth article should not, by reason of their having done so, lose the privilege of a Choctaw citizen, but if they ever

Ida F. Moore, et al., 4.

decided at a later date to move out to the new nation in Indian Territory, they were not to be entitled to any portion of the Choctaw annuity. The Choctaw annuity is money which becomes due each year to the Choctaw Indians from the Government of the United States under treaty provisions.

- Q You think you understand that fourteenth article now? A I understand part of it. I don't care to understand it.
- Q What is there about it you don't understand? I have made it as clear as I can. A I don't understand where you say that about the land. How much land there is.

Now, these reservations under this fourteenth article I have been talking to you about were reservations of land in Mississippi. A head of a family was entitled to a section of land; children over ten years of age when the treaty was made were entitled to a half section, and children under ten years of age, when the treaty was made, were entitled to a quarter section. The reservations of these children must adjoin the location of the parent, and the parent must live on that land in Mississippi so reserved for him under this fourteenth article for five years from February 24, 1831. If he did live on that land intending to become a citizen of the States for that period of time, he was entitled to a grant in fee simple; that is, the Government promised by that treaty that it would convey the land to him, and it would be his after he complied with that fourteenth article.

- Q Is that the part you didn't understand? A Yes, sir.
- Q You think you understand it clearly now? A Yes, sir.
- Q Did any of your ancestors ever comply or attempt to comply with the provisions of this fourteenth article, or ever receive any benefits under it to your knowledge? A Well, I don't know myself.
- Q Did any of your ancestors own an improvement in the old Choctaw Nation in Mississippi and Alabama, in the year 1830, when this treaty was made, about seventy-two years ago; did any of them own an improvement there in the old Nation then, do you know?
- Q Not as I knew anything about.
- Q Did any of them live there at that time to your knowledge? A No, sir, not as I know of.
- Q You don't know about that? A No, sir.
- Q Did any of them, within six months after the treaty of Dancing Rabbit Creek was ratified, let the agent of the Government in Mississippi for the Choctaws know that they wanted to stay in Mississippi and become citizens of the States and take land?
- A Not that I knew anything about.
- Q Did any of them ever claim or receive any land in Mississippi from the Government of the United States under this fourteenth article of the treaty? A That's out of my knowledge to tell about that.

Ida W. Moore, et al., 5.

Q Did any of them remove to the present Choctaw Nation in Indian Territory at the time of the removal of the greater portion of the Choctaw tribe of Indians, between the years 1833 and 1838? A Not as I know anything about.

In accordance with the provisions of the fourteenth article of the treaty of Dancing Rabbit Creek, the Government of the United States directed an agent in the State of Mississippi to register the names of such Choctaws as might desire to remain there and become citizens of the States and take land under that article. The records of the Government show that this agent failed to register and report to the Government the names of a great many Choctaws who did, in fact, let him know that they wanted to stay there and become citizens of the States and take land, and on this account the Government at its public land sales in Mississippi, in many instances, sold land upon which Choctaws lived and had improvements and which they supposed they would receive under the fourteenth article of the treaty. This caused a great deal of complaint among the Indians, and the matter was finally brought to the attention of Congress and Congress passed certain acts between the years 1837 and 1842, providing for the appointment of Commissioners to go down to Mississippi and hear the cases of Choctaws who claimed that they had complied in all respects with the provisions of this fourteenth article of the treaty of Dancing Rabbit Creek, but that their land had been sold by the Government. These commissioners were duly appointed by the President of the United States and they went down to Mississippi and heard a great many of these Choctaw cases and made their report, and by another act of Congress which was approved on the 22nd day of February, 1838, the commission was continued until August 1, 1838. But, first, in that case they were unable to dispose of but a comparatively small number of these Choctaw cases, and later, and on August 23, 1842, another act was passed by Congress providing for the appointment of more commissioners to go down to Mississippi and finish up the hearing of these cases. The commissioners were appointed by the President of the United States under this act of Congress and heard a great many of these Choctaw claims.

Q Did any of your ancestors appear before any of these commissioners and attempt to establish their rights under the fourteenth article of the treaty of Dancing Rabbit Creek? A That's out of my knowledge.

Q You never heard of such a thing? A I may have heard of it, but I don't remember it.

Ida F. Moore, et al., 6.

The act of Congress approved August 23, 1842, provided that in case it should be finally decided that a Choctaw had complied in all respects with the provisions of the fourteenth article of the treaty of Dancing Rabbit Creek, but that his land had been sold by the Government, he should be entitled to select in the place of the land so sold by the Government, land some place else in Mississippi or in Alabama, Louisiana, or Arkansas, from vacant Government, and should be given a certificate to that effect. These certificates were called scrip.

- Q Did any of your ancestors ever get any of this scrip from the Government of the United States this act of Congress? A Not as I know of.
- Q So far as you know, then, none of your ancestors were ever recognized members of the Choctaw tribe of Indians? A No, sir; I don't know anything about that.
- Q And none of them ever received any benefits as such, to your knowledge? A No, sir.
- Q Do you know of any old persons living who would likely know whether any of your ancestors ever complied or attempted to comply with the provisions of this fourteenth article of the treaty of Dancing Rabbit Creek, or ever received any benefits thereunder?
- A I suppose that Mandy I. Dunn would know.
- Q Who is she? A She is my father's aunt.
- Q Do you know of any one else who would likely know about that?
- A Cunningham.
- Q Who? A Mary Cunningham; aint that the name on the books?
- Q I say do you know of any one else who would know whether any of your people complied with this treaty provision? A No, sir.
- Q You spoke of Cunningham. What relation is this Cunningham to you? A I can't answer that either.
- Q Do you know of any written evidence of any description which would prove or tend to prove that any of your ancestors ever complied or attempted to comply with the provisions of article fourteen of the treaty of Dancing Rabbit Creek, or ever received any benefits thereunder? A No, sir.
- Q Have you any written evidence of any kind to offer at this time in support of your application? A No, sir.
- Q Any witnesses here today? A No, sir.

If you should find any witnesses whose testimony you desire to have taken by the Commission they may appear here within ten days from this date and their testimony will be taken. Or, if you should find any written evidence you desire to file, if the same is presented within ten days from this date, it will receive consideration in your case.

- Q Are there any further statements you want to make in support of your application? A No, sir.
- Q Nothing further to say? A No, sir.

Ida F. Moore, et al., 7.

Q You don't speak or understand the Choctaw language, do you?
A No, sir.

(The applicant has the appearance of being a white woman; shows no indication of being possessed of Indian blood, although she has dark hair, and eyes, and rather dark complexion; she does not speak or understand the Choctaw language, and has no knowledge of a compliance on the part of any of her ancestors with the provisions of the fourteenth article of the treaty of Dancing Rabbit Creek.)

R. S. Strait, having been first duly sworn, upon his oath states that as stenographer to the Commission to the Five Civilized Tribes, he reported in full all proceedings had in the above entitled cause at Muskogee, Indian Territory, on the 27th day of June, 1902, and that the above and foregoing is a full, true and correct translation of his stenographic notes of said proceedings in said cause upon said date.

R. S. Strait

Subscribed and sworn to before me at Muskogee, Indian Territory, this *27th* day of July, 1902.

C. R. McKinstry

Commissioner.

COPY

M.C.R. 5396

Muskogee, Indian Territory, February 17, 1903.

Ida F. Moore,

Jennylin, Arkansas.

Dear Madam:

You are hereby advised that on the 17th day of February, 1903, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Amanda I. Dunn, et al., embracing the following applications for identification as Mississippi Choctaws:

| | |
|-------------------------------------|-------------|
| Amanda I. Dunn, | M.C.R. 41 |
| Annie Catherine Cololasure, et al., | M.C.R. 43 |
| John H. Dunn, et al., | M.C.R. 42 |
| Mollie C. Little, et al., | M.C.R. 5569 |
| William H. Dunn, et al., | M.C.R. 5015 |
| Henry E. Dunn, et al., | M.C.R. 4998 |
| John H. Fraley, et al., | M.C.R. 5894 |
| William A. Fraley, et al., | M.C.R. 5915 |
| Ida F. Moore, et al., | M.C.R. 5896 |
| Mollie J. Perrymore, et al., | M.C.R. 5896 |
| John Fraley, et al., | M.C.R. 6053 |
| George W. Fraley, | M.C.R. 6054 |
| Martha M. Thomas, et al., | M.C.R. 4834 |
| William Thomas, | M.C.R. 4836 |
| Milton Thomas, | M.C.R. 4837 |
| George M. Thomas, | M.C.R. 4838 |
| William Beem, et al., | M.C.R. 4675 |
| McClelland Beem, | M.C.R. 4835 |
| Jenettie M. Lathrum, et al., | M.C.R. 4835 |
| William V. Lee, et al., | M.C.R. 5567 |
| Otis Lee, et al., | M.C.R. 4967 |
| Inez G. Gurley, et al., | M.C.R. 5541 |
| Ob Dunn, et al., | M.C.R. 5274 |
| Arlena M. Kreipke, et al., | M.C.R. 6219 |
| John F. Zachery, | M.C.R. 6280 |
| Irene J. Zachery, et al., | M.C.R. 6217 |
| Anna Belle Zachery, | M.C.R. 6218 |

These applications were made under the provision of the act of Congress of June 28, 1898 (30 Stats., 495) which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto and make report to the Secretary of the Interior."

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Amanda I. Dunn, Annie Catherine Colclasure, Jennie Colclasure, Ottie Colclasure, Gracie Colclasure, John H. Dunn, John H. Dunn, Jr., Jesse Dunn, Deanie Dunn, Dora Dunn, Mollie C. Little, William H. Dunn, Rufus E. Dunn, Bessie I. Dunn, Dora E. Dunn, Henry E. Dunn, Reubie Dunn, Barnie Dunn, Opal Dunn, John H. Fraley, Reuben Frederick Fraley, William A. Fraley, Edna May Fraley, Mary E. Fraley, Rosa May Fraley, Ida F. Moore, Pearl H. Moore, Mollie J. Perrymore, Thomas F. Perrymore, Bue Perrymore, Ora M. Perrymore, Bunny Perrymore, Nina C. Perrymore, John Fraley, Ira V. Fraley, Jesse A. Fraley, George W. Fraley, Martha M. Thomas, Frank K. Thomas, Tracy Thomas, Sarah Thomas, Minny E. Thomas, Winfield S. Thomas, Robert D. Thomas, Winfred W. Thomas, Jesse S. Thomas, Ida May Thomas, Nora M. Thomas, Miles A. Thomas, William Thomas, Milton Thomas, George M. Thomas, William Been, Emily J. Been, Josie Been, Eggle M. Been, McClelland Been, Janettie M. Lathrum, Johanie Lathrum, Newton Lathrum, Blanche A. Lathrum, Icoil Lathrum, William W. Lee, William L. Lee, Alva F. Lee, Artie E. Lee, Silvester C. Lee, Manda M. Lee, Laura C. Lee, Marion O. Lee, Otis Lee, Charity Melvina Lee, Inez S. Curley, David Lorton Curley, Ob Dunn, Ora Lee Dunn, William F. Dunn, Lillian T. Dunn, Benjamin E. Dunn, John L. Dunn, Arlene M. Kreipke, Iva Belle Kreipke, John B. Kreipke, John F. Zachery, Irene J. Zachery, Charlie B. Zachery and Anna Belle Zachery, as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the applications for their identification as such should be refused, and it is so ordered.

It is the further opinion of this Commission that under the provision of law above quoted, no person is entitled to identification as a Mississippi Choctaw by marriage, and that

Ida F. Moore, -3

the applications made by John H. Dunn for the identification of his wife, Mollie Dunn, and by Mollie G. Little for the identification of her husband, Willie Little, as intermarried Mississippi Choctaws, should, therefore, be refused, and it is so ordered."

You are further advised that you will be allowed fifteen days from the date hereof within which to file arguments in this office, and that at the expiration of said time the papers in the case together with such arguments will be forwarded to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

(SIGNED)

Tams Dixby.

Acting Chairman.

Registered.

M.C.R. 5896

Muskogee, Indian Territory, March 29, 1904.

Mrs. Ida Moore,
Greenwood, Mississippi.

Dear Madam:

Receipt is hereby acknowledged of your letter of the 19th instant in which you ask to be advised if the record in your case has been forwarded to the Secretary of the Interior.

In reply to your letter you are informed that on March 5, 1903, the record in your case, together with the decision of the Commission, refusing the application made by you for the identification of yourself and minor child as Mississippi Choctaws, was forwarded to the Secretary of the Interior through the Commissioner of Indian Affairs. Up to the present time the Commission has not been advised of any Departmental action in your case. When the Commission is informed of the decision of the Secretary of the Interior, you will be notified thereof.

Respectfully,

Commissioner in Charge.

COMMISSIONERS:
TAMM BIRBY,
THOMAS E. NEEDLES,
C. E. BRECKINRIDGE.

WM. O. REALL,
Secretary.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

| |
|----------------------------------|
| REFER IN REPLY TO THE FOLLOWING: |
| M.C.R. 5896 |

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES

Muskogee, Indian Territory, August 27, 1904.

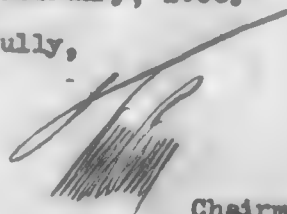
Ida F. Moore,

Jennyland, Arkansas,

Dear Madam:

You are hereby notified that on the 15th day of August, 1904, the Secretary of the Interior affirmed the decision of this Commission refusing the applications for identification as Mississippi Choctaws of the several persons included in the consolidated case of Amanda I. Dunn, et al., of which decision you were advised by registered mail on the 17th day of February, 1903.

Respectfully,



Chairman.

For Identification as a Mississippi Choctaw.

JUN 21 1900

Date

Name *Ida F. Moore*Age *19* Blood *don't know.*Post-Office, *Jenny Lind Ark*Father: *John H. Fraley L*Mother: *Mary " d*Claims through
husband father
Wile A Moore L
*no claim for husband.**For self and one*

Children:

Fair E. Moore (M) 14m

grapher

R. J. Street

Department of the Interior.

Commission to the Five Civilized Tribes,

MUSKOGEE, IND. TER.



Unclaimed

Ida F. Moore,

Jennylin Arkansas.

General Office
M. C. R. 111

RETURN TO WRITER

RETURN TO WRITER

RECEIVED
SEP 28 1904
INDIAN

INDIAN
SEP 28 1904
JENNY LIND ARK.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES

FILED

Sept 29-04
[Signature]

CHAIRMAN

Choctaw MCR 5897

Sarah Jones

MCR 5897

DEPARTMENT OF THE INTERIOR.
COMMISSION TO THE FIVE CIVILIZED TRIBES.

---0---

In the matter of the application of Sarah Jones, et al., for
identification as Mississippi Choctaws, M.C.R. 5897.

List of papers forwarded to the Secretary of the Interior
comprising the record in the above case.

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|---|--------|
| Original application of Sarah Jones, et al.,
to the Dawes Commission for identification
as Mississippi Choctaws----- | 1 |
| Certified copy of the marriage record of
Caleb Jones and Sarah Mahala----- | 8 |
| Decision of the Commission refusing the
application of Sarah Jones, et al., for
identification as Mississippi Choctaws----- | 9 |

---0---

Department of the Interior,
Commission to the Five Civilized Tribes.
Muskegee, I. T., June 26, 1902.

#5597.

In the matter of the application of Sarah Jones for the identification of herself and her five minor children, Precious, Samuel, Maud, Isaiah and Wera Jones, as Mississippi Choctaws.

J. C. Lowery, Attorney for applicant.

Sarah Jones being first duly sworn testifies as follows:

Examination by the Commission.

- Q What is your name? A Sarah Jones.
Q What is your age? A Forty-three.
Q What is your post office address? A Burwin, Indian Territory.
Q How long have you lived there? A Over two years.
Q Where did you live before that? A Texas.
Q Where were you born? A In Tennessee.
Q How long did you live in Tennessee? A Fifteen years.
Q And then you went where? A Texas.
Q And lived there until you came to the Territory? A Yes sir.
Q Where in Texas, what county? A Bastrop.
Q Is your father living? A No sir.
Q Is your mother living? A No sir.
Q What was your father's name? A John Haley.
Q What was your mother's name? A Frances Haley.
Q You claim your Choctaw blood through which parent? A Through my mother.
Q How much Choctaw blood do you claim? A She was a full blood.
Q How much do you claim? A I claim three fourths.
Q You claim from your mother? Was your father a white man? A My father was Cherokee.
Q And your mother a full blood Choctaw; did your father have any Choctaw blood? A Cherokee blood.
Q Did not have any Choctaw blood? A No sir.
Q And your mother had how much Choctaw blood? A A She was a full blood.
Q How much do you claim? A As much as she had I guess, I don't know.
Q You can't be a full blood Choctaw; if your mother was a full blood you would be one half of what she was? A I claim one half.
Q Are you married? A Yes sir.
Q Has your mother ever been recognized or enrolled as a Choctaw Indian by the Choctaw tribal authorities or by United States authorities in the Indian Territory? A Not that I know of.

- Q What is your husband's name? A Caleb Jones.
- Q Is he living? A Yes sir.
- Q What is his blood? A He is a Negro.
- Q Now your father had how much negro blood? A My father was full blood Cherokee.
- Q Your mother was what? A Choctaw.
- Q Full blood? A My grandmother was a full blood Choctaw.
- Q I am talking about your mother? A No sir, she was not a full blood.
- Q You said a while ago that your mother was a full blood, and you would be onehalf of that; how much Choctaw blood has your mother? A She would be three fourths or onehalf one, I don't know.
- Q How much negro blood did she have? A She didn't have none.
- Q You have no negro blood? A Not that I know of.
- Q Tell me how much blood your mother had, Choctaw or other blood? A I can't tell you because I don't know.
- Q What other blood if she had any? A Only Choctaw blood.
- Q Do you claim she was a full blood? A She is Choctaw.
- Q How much? A She is three fourths or half.
- Q Well, if you don't know why don't you say so, or if you do not say so? A Oh is half blood then.
- Q You think that is right do you? A Yes sir.
- Q What is her other blood besides Choctaw? A I don't know.
- Q Don't you think it is negro? A No sir.
- Q You are sure it is not negro? A Yes sir.
- Q Now, you have answered this question in several different ways; you have claimed that your mother was a full blood Choctaw and that you were a half, and now you claim that she is one half Choctaw? A My father?
- Q I am talking about your mother; now just answer the question if you can and if you can't say so; she was one half Choctaw? A Yes sir.
- Q And one half what else? A I don't know.
- Q How much Choctaw blood do you claim? A I claim one fourth.
- Q You want to claim one fourth do you then instead of where you claimed one half a while ago? A Yes sir, my mother was half and I am bound to be a fourth.
- Q Do you make any claim for your husband? A No sir.
- Q Have you any children that you want to make application for unmarried and under twentyone years of age? A Yes sir, five.
- Q Are they under age and unmarried? A Yes sir.
- Q What is the name of the oldest? A Precious Jones.
- Q How old is she? A Sixteen.
- Q Now the next? A Samuel Jones?
- Q How old is Samuel? A Twelve years old.
- Q The next? A Maud Jones.
- Q How old? A She's ten years old.
- Q The next? A Isaiah Jones.
- Q How old is Isaiah? A Eight years old.
- Q The next one? A Nora Jones.
- Q How old is Nora? A Six years old.
- Q You make application for yourself and these children do you? A Yes sir.
- Q Are there any others? A I have three older than they are.
- Q The others are over twenty-one? A No sir.
- Q How old is your oldest child? A Twenty.
- Q Is that child married? A He is married.
- Q And what is the age of the next one? A She is eighteen.
- Q Is she married? A Yes sir.

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- Q All the others are married? A Yes sir.
- Q Was your father a slave at any time? A No sir.
- Q Was your mother a slave at any time? A No sir.
- Q What is the name of your oldest child? A Tommy Jones.
- Q Where does he live? A In the Chickasaw Nation.
- Q What post office? A Burwin.
- Q He is married? A Yes sir.
- Q What is the name of the next one? A Martha Jones.
- Q What is her married name? A Martha Ford.
- Q What is the name of her husband? A Richard Ford.
- Q Where do they live? A In the Indian Territory here.
- Q What is the name of the next married child? A Mary Harrison.
- Q What is her post office? A Bastrop, Texas.
- Q What is the name of her husband? A Gilford Harrison.
- Q Is your name or the name of any of your children on any of the tribal rolls of the Choctaw Nation in the Indian Territory? A No sir.
- Q Have you ever made application for yourself and children for citizenship in the Choctaw Nation to the Choctaw tribal authorities in the Indian Territory? A No sir.
- Q Have you ever made application for yourself and children for citizenship in the Choctaw Nation to the Daves Commission under the act of Congress approved August June 10, 1896? A No sir.
- Q Have you ever been admitted to citizenship in the Choctaw Nation with your children by any authority, either the Choctaw tribal authorities or the United States authorities in the Indian Territory? A Only by owning land and property.
- Q Have you ever been admitted to citizenship in the Choctaw Nation? A No sir.
- Q Have you ever before this time made application for citizenship in the Choctaw Nation for yourself and children to any authority whatever? A No sir.
- Q Do you now come before the Commission to be identified as a Mississippi Choctaw and to identify your children as Mississippi Choctaws, claiming under article fourteen of the treaty of 1830? A Yes sir.
- Q Do you understand that article of that treaty? A No sir.

In 1830 there was a treaty made between the government of the United States and the Choctaw Indians; these Indians were at that time living in the old Choctaw Nation in Mississippi and Alabama. The object of the treaty was to remove as far as possible all of the Choctaw Indians who lived in the old Choctaw Nation from that old Nation to the Choctaw Nation, Indian Territory; but before the treaty was signed it became known that a good many Choctaw Indians would not go to the Choctaw Nation, Indian Territory, and it was necessary to make some provision for them, and so article fourteen was drawn up by the committee appointed for that purpose, and submitted to the Council, and was adopted and made a part of the treaty, and after that the treaty was signed and then was ratified. That article was put in there for the especial benefit of the Mississippi Choctaw Indian; and it is as follows;

"ARTICLE XIV. Each Choctawhead of a family being desirous to remain and become a citizen of the states shall be permitted to do so by signifying his intention to the Agent within six months after the ratification of this treaty, and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land, to be bounded by sectional lines of survey; in like manner shall be entitled to one half that quantity for each unmarried child which is living with him over ten years of age, and a quarter section to such child as may be under ten years of age, to adjoin the location of the parent. If they reside upon said lands intending to become citizens of the states for five years after the ratification of this treaty, in that case a grant in fee simple shall issue; said reservation shall include the present improvement of the head of the family or a portion of it. Persons who claim under this article shall not lose the privilege of a Choctaw citizen, but if they ever remove are not entitled to any portion of the Choctaw annuity."

- Q Did any of your Choctaw ancestors comply or attempt to comply with article fourteen of the treaty of 1830? A Not that I know of.
- Q What is the name of your Choctaw ancestor through whom you claim your right to be identified as a Mississippi Choctaw? A Betsy Mitchell.
- Q What relation was she to you? A She is my grandma.
- Q Is that as far back as you can go? A Yes sir.
- Q How old would she be if she were living now? A I don't know.
- Q Have you any idea? A No sir.
- Q Did she live in Mississippi or Alabama in the old Choctaw Nation? A In Mississippi.
- Q Did she live there in 1830, 72 years ago? A I guess so; she never been anywhere else.
- Q She might not have lived there in 1830, do you know she lived there in 1830? A No sir, I don't know.
- Q Do you know of any Choctaw ancestor of yours who did live in the old Choctaw Nation in 1830 and was the head of a family there then? A No sir.
- Q You claim through your mother? A Yes sir.
- Q She is dead? A Yes sir.
- Q How old would she be if living now? A About 65 years old.
- Q Where was she born? A Georgia.
- Q Where in Georgia was she born? A Atlanta.
- Q She claimed through her mother Betsy? A Yes sir.
- Q You do not know where Betsy was born? A No sir.
- Q You can not give the name of any Choctaw ancestor whom you know lived in Mississippi or Alabama and was the head of the family therein 1830? A No sir.
- Q What was Betsy Mitchell's maiden name? A I don't know.
- Q Whom did she marry? A I don't know.
- Q You don't know whether Betsy Mitchell was her maiden name or her married name? A No sir.
- Q How much Choctaw blood did she have? A She was a full blood Choctaw.
- Q How do you know? A My mother always said so.

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- Q Did she speak the Choctaw language? A I don't know sir.
- Q Did she have a Choctaw Indian name? A No more than Betsy, that is all I understand.
- Q Did she or any of your Choctaw ancestors own any land or claim any land in the old Choctaw Nation in Mississippi or Alabama under article fourteen of the treaty of 1830? A I don't know whether they owned any land in Mississippi, but they owned some in the Middle states some place.
- Q Did any of them own any improvements on land in the old Choctaw Nation in 1830? A No sir, not in Mississippi.
- Q Or Alabama? A No sir, not that I know of.
- Q Did any of your Choctaw ancestors within six months after the ratification of the treaty of 1830 go to the United States Indian Agent, Colonel Ward, and tell him that they wanted to stay in Mississippi, take land there, and become citizens of the states? A Not that I know of.
- Q Did any of your Choctaw ancestors go from that old Choctaw Nation east of the Mississippi river to the Choctaw Nation, Indian Territory, with the other Indians between 1833 and 1838, or 1840? A Not that I know of.

The Indians who remained in the old Choctaw Nation after the treaty of 1830 was ratified were required if they wanted to take advantage of article fourteen of the treaty of 1830, to go to the United States Indian Agent, Colonel Ward, within six months after the treaty was ratified, and tell him that they wanted to stay in Mississippi, take land there and become citizens of the states. A great many Choctaw Indians did this whose names Colonel Ward failed to put upon his list, known as "Ward's Register". His neglect to do this caused a good many Choctaw Indians who had land in the old Choctaw Nation upon which they had improvements to lose both their land and improvements; both were taken from them by the government and sold at its public land sales. This caused so many complaints among the Choctaw Indians that in 1837 by an act of Congress approved March 3rd of that year a Commission was appointed which went to Mississippi and heard claimants under article fourteen of the treaty of 1830. In 1842 another Commission was appointed by Congress for the same purpose. This Commission also went to Mississippi and heard claimants under article fourteen of that treaty.

- Q Did any of your Choctaw ancestors go before either of these Commissions, that of 1837 or that of 1842, and claim any benefits under that article? A Not that I know of.
- Q Did any of them receive any script from the government which entitled them to select land either in Mississippi, Alabama, Louisiana or Arkansas? A Not that I know of.

These certificates, or script, was issued by the government under an act of Congress approved August 23rd, 1842, and was given to those Choctaw Indians who proved their claim under article fourteen of the treaty of 1830, and also proved that they had land taken from them by the government and sold.

- Q Have you any relatives who have been before the Commission to be identified as Mississippi Choctaws? A No sir.
- Q Have you any relatives here who are to make application now? A No sir.
- Q Do you speak or understand the Choctaw language? A No sir.

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BY J O LOWERY, Attorney for Applicant:

- Q You say that you never was a slave? A No sir.
- Q Do you remember whether any of your folks ever owned any slaves? A No sir, never owned any slaves; yes sir, some of us did own slaves but were never no slaves.
- Q Did you ever see your grandmother in her lifetime? A No sir.
- Q Did your mother speak to Choctaw language? A No sir, she spoke English language.
- Q All that you know about this case is what has come down traditionally through the family history from your grandmother down? A Yes sir.
- Q Now, you got slightly tangled when Judge Sawyer was examining you as to your Indian blood. Now how much Indian blood did you say your father had and from what tribe was that? A My father was a Cherokee child.
- Q Did he speak the Cherokee language? A Yes sir, he was 19 years old and never spoke anything but Indian language.
- Q Now what was your mother's blood? A She was Choctaw.
- Q How much Choctaw? A I claim she was whole, because I am half, I claim I am half.
- Q Was she ever a slave? A No sir.
- Q Where did your mother die at? A She died in Nashville, Tennessee.
- Q Did you ever hear her say where she come from? A Yes sir, lots of times
- Q Where did she come from? A She come from Georgia.
- Q Now, through what information did you get these facts that your grandmother, Betsey Mitchell, was from Mississippi? A She always said that was her home; her mother was in Mississippi.
- Q And a full blood Choctaw? A Yes sir.

BY THE COMMISSION:

This applicant has the appearance and physical characteristics of being Indian blood; she claims part Choctaw and part Cherokee; she is uncertain as to the quantity of Choctaw blood and Cherokee blood. She says she has no Negro blood, but the Commission is of the opinion that there is a strain of Negro blood in her veins. This, however, is simply an opinion, and is founded upon the fact of her general appearance and manner; while her features are in casts very much like an Indian, and color is that of an Indian largely. There is a look about the eyes that leads the Commission to infer the presence of some Negro blood; it may not be very much. Her hair is black, and very much like the hair of an Indian with the exception that it is not quite as coarse, and her hair has a wave, which is not very marked. She does not understand the Choctaw language, and has no knowledge of the compliance on the part of her ancestors with any of the provisions of article fourteen of the Treaty of 1830.

This applicant is allowed fifteen days time in which to introduce other proper testimony in support of this application.

W. H. Martin after being first duly sworn on oath states that as stenographer to the Commission to the Five Civilized Tribes he recorded in full the above proceedings on the 28th day of June, 1902, and that the within and foregoing is a full, true and correct transcript of his stenographic notes in the same.

W. H. Martin

Subscribed and sworn to before me this 14 day of July, 1902.

Guy L. V. Emerson
Notary Public.

Cow.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

--0--

In the matter of the application of Sarah Jones, et al., for
identification as Mississippi Choctaws, M.C.R. 5897.

---: D E C I S I O N :---

It appears from the record herein that application for identification as Mississippi Choctaws was made to this Commission by Sarah Jones for herself and her five minor children, Precious, Samuel, Maud, Isaiah and Vera Jones, under the following provision of the act of Congress approved June 28, 1898, (30 Stats., 495):

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto and make report to the Secretary of the Interior."

It also appears that all of said applicants claim rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, by reason of being descendants of Hagar Mitchell, who is alleged to have been a full-blood Choctaw

Indian.

It further appears from the evidence submitted in support of said application, and from the records in the possession of the Commission, that none of said applicants has ever been enrolled by the Choctaw tribal authorities as a member of the Choctaw tribe, or admitted to Choctaw citizenship by a duly constituted court or committee of the Choctaw Nation, or by the Commission to the Five Civilized Tribes, or by a decree of the United States Court in Indian Territory, under the provisions of the act of Congress approved June 10, 1896, (29 Stats., 321).

It does not appear from the testimony and evidence offered in support of said application, or from the records in the possession of the Commission relating to persons who complied or attempted to comply with the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and to persons who heretofore were claimants thereunder, that the said Betsy Mitchell, or an ancestor less remote, signified (in person or by proxy) to Colonel Wm. Ward, Indian Agent, Choctaw Agency, an intention to comply with the provisions of said article fourteen, or presented a claim to rights thereunder to either of the Commissions authorized to adjudicate such claims by the acts of Congress approved March 3, 1837, (5 Stats., 180) and August 23, 1842, (5 Stats., 513).

It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Sarah Jones, Precious Jones, Samuel Jones, Waud Jones, Isaiah Jones and Nora Jones as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the application

for their identification as such should be refused, and it is so ordered.

COMMISSION TO THE FIVE CIVILIZED TRIBES.

Tamie L. L. L.

Acting Chairman.

T. E. Neelias.

Commissioner.

C. R. Brockbridge.

Commissioner.

Muskogee, Indian Territory,

JAN 7 1903

N C R 6040
N C R 5897
N C R 6030

Muskogee, Indian Territory, August 6, 1902.

J. C. Lowery,

Attorney at Law,

Muskogee, Indian Territory.

Dear Sir:

Receipt is hereby acknowledged of your letter of the 4th inst., enclosing the following documents:

The joint affidavit of Ellen Hill, Sarah Hill and Susan McNeill, witnesses to the marriage between Clay Scott and Lucinda Bell, offered in support of the Mississippi Chectaw application of Clay Scott, et al.

Certificate of marriage between Galeb Jones and Sarah Mahala, offered in support of the Mississippi Chectaw case of Sarah Jones, et al.

Marriage license and certificate between Willie Arnold and Francis Rose, offered in support of the Mississippi Chectaw case of William H. Arnold, et al.

The same have been filed with the records in these cases.

Yours truly,

Acting Chairman.

Muskogee, I. T. August 7th, 1902.

5897
Recieved of the Commission to the Five Civilized Tribes one copy
of the testimony of Sarah Jones in the matter of her application
for the identification of herself and monor children as Mississippi
Choctaws.

See page 14

Muskogee, Indian Territory, January 7, 1903.

Mansfield, McMurray & Cornish,

Attorneys for the Choctaw and Chickasaw Nations,

South McAlester, Indian Territory.

Gentlemen:

You are hereby advised that on the 7th day of January, 1903, the Commission to the Five Civilized Tribes rendered a decision in the case of Sarah Jones, et al., applicants for identification as Mississippi Choctaws.

This application was made under the provision of the act of Congress of June 28, 1898 (30 Stats., 495).

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Sarah Jones, Precious Jones, Samuel Jones, Maud Jones, Isaiah Jones and Nora Jones as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the application for their identification as such should be refused, and it is so ordered."

You are further advised that the applicants in this case have been allowed fifteen days from the date hereof within which to file arguments in this office, and that at the expiration of said time the papers in the case, together with such arguments will be forwarded to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

(Signed)

Tamc Dixby

Acting Chairman

Muskogee, Indian Territory, January 7, 1903.

J. C. Lowery,

Attorney at law,

Muskogee, Indian Territory.

Dear Sir:

You are hereby advised that on the 7th day of January, 1903, the Commission to the Five Civilized Tribes rendered a decision in the case of Sarah Jones, et al., applicants for identification as Mississippi Choctaws.

This application was made under the provision of the act of Congress of June 28, 1898 (30 Stats., 495), which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto and make report to the Secretary of the Interior."

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Sarah Jones, Precious Jones, Samuel Jones, Maud Jones, Isaiah Jones and Nera Jones as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the application for their identification as such should be refused, and it is so ordered."

J. C. Lowery,--2

You are further advised that the applicants in this case have been allowed fifteen days from the date hereof within which to file arguments in this office, and that at the expiration of said time the papers in the case, together with such arguments will be forwarded to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

Tame Bixby

Acting Chairman.

Registered.

Muskogee, Indian Territory, January 7, 1903.

Sarah Jones,

Berwyn, Indian Territory.

Dear Madam:

You are hereby advised that on the 7th day of January, 1903, the Commission to the Five Civilized Tribes rendered a decision in the case of Sarah Jones, et al., applicants for identification as Mississippi Choctaws:

This application was made under the provision of the act of Congress of June 28, 1898 (30 Stats., 495), which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto and make report to the Secretary of the Interior."

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Sarah Jones, Precious Jones, Samuel Jones, Maud Jones, Isaiah Jones and Nora Jones as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the application for their identification as such should be refused, and it is so ordered."

You are further advised that you will be allowed fifteen days from the date hereof within which to file arguments in this

Sarah Jones. --8

office, and that at the expiration of said time the papers in the case, together with such arguments will be forwarded to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

Tamie Darby
Acting Chairman.

Registered.

copy.

Muskogee, Indian Territory, January 23, 1903.

The Honorable,

The Secretary of the Interior.

Sir:

There is transmitted herewith the record in the case of Sarah Jones, et al., applicants to the Commission for identification as Mississippi Choctaws, including the decision of the Commission of January 7, 1903.

The Commission has the honor to report that the principal applicant herein, his attorney of record and the attorneys for the Choctaw and Chickasaw Nations have been duly advised by letter of the action of the Commission, copies of said letters being attached to the record.

Respectfully,

Through the
Commissioner of Indian Affairs.

CHICKASAW

Enc. M.C.R. 5897.

Acting Chairman.

Land.
6147-1903.

C O P Y.

DEPARTMENT OF THE INTERIOR,
Office of Indian Affairs,
Washington.

February 16, 1903.

The Honorable

The Secretary of the Interior.

Sir:

There is enclosed herewith the record of the Commission to the Five Civilized Tribes in the matter of the application for identification as Mississippi Choctaws of Sarah Jones, for herself and her five children, Precious, Samuel, Maud, Isiah and Nora Jones, wherein a decision adverse to the applicants was rendered by the Commission on January 7, 1903.

The record evidence in this case shows that the applicants base their claim to identification by reason of descent from Betsy Mitchell, who it is alleged, was a citizen of the Choctaw Nation and resided in the State of Mississippi in 1830.

The Commission bases its decision rejecting these applicants on the ground that its records do not show that Betsy Mitchell, or an ancestor less remote, ever complied or attempted to comply with the provisions of the 14th article of the Choctaw treaty of 1830.

-2-

It appears from an examination of the records of this office that no such person as Betsy Mitchell ever complied or attempted to comply with the provisions of the 14th article of the Choctaw treaty of 1830, and I, therefore, recommend that the decision of the Commission rejecting these applicants be approved.

Very respectfully,

(Signed)

A. C. TONNER,
Acting Commissioner.

E.B.H. H'r.

3 enclosures.

D.C. 7821-1903.
I.T.D. 1850-1903.
L.R.S.

C O P Y.
E A F.

DEPARTMENT OF THE INTERIOR.

WASHINGTON.

March 17, 1903.

Commission to the Five Civilized Tribes,
Muskogee, I. T.

Gentlemen:

January 23, 1903, you transmitted the record in the matter of the application for identification as Mississippi Choctaws, of Sarah Jones and her minor children, Precious, Samuel, Maud, Isaiah and Nora Jones, including your decision of January 7, 1903, refusing the application.

The applicants claim to be descendants of one Betsy Mitchell, alleged to have been a full blood Choctaw Indian.

The records fail to show that the applicants were ever admitted or enrolled as citizens of the Choctaw Nation, or that said Betsy Mitchell, or an ancestor less remote, complied or attempted to comply with article 14 of the treaty of September 27, 1830, or with either of the acts of March 3, 1837 (5 Stat., 180), and August 23, 1842 (5 Stat., 513).

Reporting February 16, 1903, the Acting Commissioner of Indian Affairs recommends approval of your decision. A copy of his letter is inclosed.

-2-

The Department has reviewed the record and found
no reason to modify your decision. It is accordingly affirmed.

Respectfully,

(Signed)

THOS RYAN,
Acting Secretary.

1 inclosure.

M.C.R. 5897

Muskogee, Indian Territory, March 26, 1903.

J. C. Lowery,

Attorney at Law,

Muskogee, Indian Territory.

Dear Sir:

You are hereby notified that on the 17th day of March, 1903, the Secretary of the Interior affirmed the decision of this Commission refusing the application for identification as Mississippi Choctaws of the several persons included in the case of Sarah Jones, et al., of which decision you were advised by registered mail on the 7th day of January, 1903.

Respectfully,

(SIGNED).

Tamm Dink
Chairman.

CC.

Muskogee, Indian Territory, March 26, 1903.

Mansfield, McMurray & Cornish,

Attorneys for the Choctaw and Chickasaw Nations,

South McAlester, Indian Territory.

Gentlemen:

You are hereby notified that on the 17th day of March, 1903, the Secretary of the Interior affirmed the decision of this Commission refusing the application for identification as Mississippi Choctaws of the several persons included in the case of Sarah Jones, et al., of which decision you were advised by mail on the 9th day of January, 1903.

Respectfully,

JAMES DIXBY.
Chairman.

COMMISSIONERS
JAMES BIRNEY
THOMAS H. NEELLES
C. R. BUCKKINRIDGE
W. E. STANLEY

ALLISON L. AYLESWORTH
SECRETARY

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES.

M.C.R. 5897

ADDRESS ONLY THE
COMMISSION TO THE FIVE CIVILIZED TRIBES

Muskogee, Indian Territory, March 26, 1903.

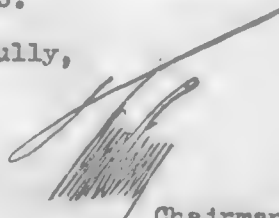
Sarah Jones,

Berwyn, Indian Territory.

Dear Madam:

You are hereby notified that on the 17th day of March, 1903, the Secretary of the Interior affirmed the decision of this Commission refusing the application for identification as Mississippi Choctaws of the several persons included in the case of Sarah Jones, et al., of which decision you were advised by registered mail on the 7th day of January, 1903.

Respectfully,



Chairman.

For Identification as a Mississippi Choctaw.

Date

1902

Name Sarah Jones

Age 43 - Blood 1/2

Post-Office, Berwyn, L. T.

Father: John Haler, ^{Cherokee} dMother: Frances " ^{1/2 Cherokee} dClaims through mother -
husband.

Caleb Jones, l. negro.

No claim for husband.

Children:

Precious Jones, + 16

Samuel " 12

Maud " 10

Isaiah " 8

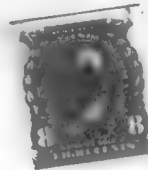
Nora " 6

Claims for each
and children

Monographer W. H. Martin.

129

117



Department of the Interior

Commission to the Five Civilized Tribes,

MUSKOGEE, IND. TER.

OFFICIAL BUSINESS

Penalty for private use, \$300.



252
125

~~Sarah Jones~~

(Cal)

Berwyn, Indian Territory.

Hand
Paul's Valley
9-7

DEPARTMENT OF THE INTERIOR
COMMISSION TO THE F. B. I.
FILED

APR 7 1903



CHAIRMAN



REGISTERED
FEB 19 1903
PAULS VALLEY, ILL. TFR.

W.C.P.

Department of the Interior.

Commission to the Five Civilized Tribes,

MUSKOGEE IND. TER.



OFFICIAL BUSINESS.
PENALTY FOR PRIVATE USE, \$300.

Fard

~~Sarah Jones,~~

~~Berwyn, Indian Territory.~~

Paulo Valley
97

SECTION 1
MUSKOGEE INDIAN TERRITORY

597

DEPT. OF THE INTERIOR,
MISSION TO THE FIVE CIVILIZED TRIBES.

RECEIVED

APR 30 1903

CHASMAN

Choctaw MCR 5898

Mary Jones

See MCR 5574

MCR 5898

M C R 3000.

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, Indian Territory, June 27, 1902.

In the matter of the application of Mary Jones for the identification of herself and her two minor children, Gussie and Gracie Jones, as Mississippi Choctaws.

Appearances:

Thomas and Harrison, Attorneys for Applicant.

Mary Jones, having been first duly sworn, upon her oath testified as follows:

Examination by the Commission.

- Q What is your name? A Mary Jones.
Q How old are you? A Twenty three.
Q How much Choctaw blood have you? A I don't know.
Q What's your post office address? A Plummerville, Arkansas.
Q How long have you lived in the State of Arkansas? A Seven or eight years.
Q Where did you live before that? A In Mississippi.
Q What county? A Prentiss County.
Q How long did you live in Prentiss County, Mississippi? A Well, I don't know hardly.
Q Were you born there? A Yes, sir.
Q Lived there until you went to Arkansas? A Yes, sir.
Q Is your father living? A Yes, sir.
Q What's his name? A Frank Yocum.
Q Is your mother living? A Yes, sir.
Q What's her name? A Nancy Yocum.
Q Through which one of your parents do you derive your Choctaw blood? A Mother.
Q Where does your mother live? A In Arkansas.
Q About how old is she? A She's forty seven, I think.
Q Has she been before this Commission? A Yes, sir.
Q When? A About four weeks, I reckon.
Q Where was she born? A Mississippi.
Q How long has she lived in Arkansas? A About seven or eight years.
Q Did she live in Mississippi all her life until she went to Arkansas? A Yes, sir.
Q Through which one of her parents did she derive her Choctaw blood? A Father.
Q What was his name? A James Jumper.
Q What was your mother's mother's name? A Eliza Jumper.
Q Is James Jumper living? A No, sir.

Mary Jones, et al., 2.

- Q How old would he be if he were living now? A Well, I couldn't tell you.
- Q About how old? A I guess he would be in eighty somewhere.
- Q You don't know the year in which he was born? A No, sir.
- Q Do you know the names of his parents? A Yes, sir.
- Q What were their names? A Sam Jumper.
- Q Well, now what was your grand father's mother's name? A Elizabeth Jumper.
- Q What was her maiden name? A Elizabeth Furtick.
- Q Well, your grand father got his Choctaw blood through her, or through Jumper? A He got it through Elizabeth Furtick.
- Q Where was Elizabeth born? A I couldn't tell you that.
- Q Did she live in Mississippi all her life? A I don't know that.
- Q She would be over a hundred years old if she were living now, wouldn't she? A Yes, sir; I suppose so.
- Q Do you know the names of her parents? A Of Elizabeth's?
- Q Yes? A Her father and mother?
- Q Yes? A Yes.
- Q What were their names? A George Furtick and Mary Mottoline.
- Q What was her maiden name? A Chick-e-che-o.
- Q Can you spell that name? A No, sir; I can't.
- Q Can you try it? A No, sir.
- Q Have no idea how to spell it? A No, sir; I can't spell it.
- Q When did you first learn you were a descendant of Mary Mottoline Chick-e-che-o? A I have been taught that.
- Q How long have you been taught that? A All my life; ever since I was big enough to know anything.
- Q You don't know the year in which Mary Mottoline was born?
- A No, sir.
- Q Have no idea? A No, sir.
- Q Do you know anything about the marriage of your grand father and grand mother on your mother's side? A No, sir.
- Q Don't know whether they were lawfully married or not? A Who, my grand mother?
- Q Grand father and grand mother is who I am talking about? A No, sir, I don't know it, but I have heard they was.
- Q Do you know how many children were born to them? A Nine.
- Q Do you know how long they lived together as man and wife?
- A Yes, sir; I guess -- No, sir; I don't.
- Q Have no idea have you? A No, sir.
- Q Was your mother ever recognized in any manner or enrolled as a member of the Choctaw tribe of Indians, in Indian Territory?
- A I didn't understand that.
- Q Was she ever recognized or enrolled in any manner as a member of the Choctaw tribe of Indians, in Indian Territory? A Yes, sir; I think so.
- Q When? A Well, she -- I don't understand it.
- Q Now, by being recognized or enrolled, I mean was she ever admitted to citizenship down there, and did she ever have her name put on the Choctaw tribal rolls? A Yes, sir.
- Q When did she do that? A It's been there, I reckon, two years.
- Q Where? A U In Mississippi.
- Q In Mississippi? A Yes,

Mary Jones, et al., 3.

- Q She never lived in the Choctaw Nation, did she? A No, sir.
- Q You never heard of her being enrolled by the tribal authorities down there, did you -- the officers of the Choctaw Nation down there? A No, sir.
- Q Are you married? A Yes, sir.
- Q Husband living? A Yes, sir.
- Q What's his name? A Henry Jones.
- Q Has he any Choctaw blood to your knowledge? A No, sir.
- Q Make no claim for him? A No, sir.
- Q How many children have you living? A Two.
- Q What are their names and ages? Oldest first? A Gussie is three years old.
- Q Is Gussie a boy or girl? A Girl.
- Q Next one? A Gracie.
- Q How old is Gracie? A Five months old.
- Q Are these children both the children of yourself and Henry Jones? A Yes, sir.
- Q This application is for yourself and two minor children? A Yes, sir.
- Q Is your name on any of the Choctaw tribal rolls in Indian Territory? A Yes, sir.
- Q It is? A Yes, sir.
- Q How do you know? A I have been taught it was.
- Q Do you know I mean by the tribal rolls? A Know what you mean?
- Q Yes? A No, sir, I don't.
- Q What makes you think your name is on those rolls then if you don't know what I mean? Now, what I mean by the Choctaw tribal rolls is list of the names of Indians who belong to the Choctaw tribe; those lists have been prepared by the officers of the Choctaw Nation down in Indian Territory. Do you know whether your name is on any of their rolls or not? A No, sir, I don't.
- Q Has any application of any description ever been made to the Choctaw tribal authorities for the purpose of having you admitted or enrolled as a member of that tribe? A No, sir.
- Q Was any application made to the Commission to the Five Civilized Tribes in the year 1896, in your behalf, for the purpose of having you admitted to citizenship in the Choctaw Nation? A I don't know that.
- Q Have you ever been admitted to citizenship in the Choctaw Nation, to your knowledge? A I don't reckon I have.
- Q Had any application of any description ever been made before today for you, or for either one of these children, for the purpose of establishing your rights as Choctaw Indians? A I have been told it was for me.
- Q When? A My mother was here.
- Q When? A Four weeks ago.
- Q She couldn't have put in your name. That is the only application that could have been made for you, you think? A Yes, sir, I reckon that's the only one.
- Q Well, your mother didn't make application for you. You appear before the Commission at this time for the purpose of claiming rights in the Choctaw lands, in Indian Territory, for yourself and two minor children, under the fourteenth article of the treaty of Dancing Rabbit Creek, do you? A Yes, sir.

Mary Jones, et al., 4.

The treaty of Dancing Rabbit Creek was entered into in the State of Mississippi on the 27th day of September, 1830, between the Government of the United States and the Choctaw tribe of Indians. At the time this treaty was made, the Choctaws lived in the State of Mississippi and along the western edge of the State of Alabama. The object of the treaty was to get these Indians to move from the country occupied by them in Mississippi and Alabama to a new country west of the Mississippi River, a part of which is now occupied by the greater portion of the Choctaw tribe of Indians and the Chickasaws, and is known as the Choctaw-Chickasaw country in Indian Territory. At the time the treaty was made, back there in Mississippi, some of the Indians were unwilling to leave the old nation, and for the benefit of those who preferred to stay there what is known as the fourteenth article was put in the treaty. That fourteenth article provided that upon certain conditions a Choctaw who preferred to stay there in the old nation and not move out west to the new nation might receive land there in Mississippi from the Government. It is as follows:

"Each Choctaw head of a family being desirous to remain and become a citizen of the States shall be permitted to do so by signifying his intention to the agent within six months from the ratification of this treaty, and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land, to be bounded by sectional lines of survey; in like manner shall be entitled to one-half that quantity for each unmarried child which is living with him over ten years of age; and a quarter section for such child as may be under ten years of age, to adjoin the location of the parent. If they reside upon said land intending to become citizens of the States in that case a grant in fee simple shall issue; said reservation shall include the present improvement of the head of the family or a portion of it. Persons who claim under this article shall not lose the privilege of a Choctaw citizen, but if they ever remove are not to be entitled to any portion of the Choctaw annuity."

Q You understand that fourteenth article? A No, sir; I don't know that I do.

Well, in case a Choctaw who might have been living in the old Choctaw Nation, in Mississippi and Alabama, in 1830, when this treaty was made, decided that he wanted to stay in the old Nation and not move out west to the new nation, he had right to take land in the old nation, but he was required by the terms of that fourteenth article, in case he wanted to take land, to let the agent of the Government in Mississippi at that time know, within six months from the time the treaty was ratified, and the

Mary Jones, et al., 5.

treaty was ratified February 24, 1831, that he wanted to stay there and become a citizen of the States and take land. After he had so notified the agent of his intention to remain and take land and become a citizen of the States under the fourteenth article, he was required to live upon that land for five years from February 24, 1831, and he was then entitled to a grant in fee simple for the land; by the terms of that fourteenth article, each head of a family was entitled to a reservation of six hundred and forty acres of land, or a piece of land a mile square, and each child in his family over ten years of age was entitled to a half section, and each child in the family under ten years of age to a quarter section. The reservations for these children were required to adjoin the location of the parent, and the reservations must in every instance include the improvement of the head of the family as it existed on September 27, 1830, the day the treaty was made. Now, if these Indians lived on that land for five years from February 24, 1831, they were entitled to a grant in fee simple from the Government. That is, the Government would give them a deed to the land and it would become the property of the Indian. The fourteenth article further provided that persons who claimed under that article should not lose the privilege of a Choctaw citizen, but if they ever removed were not to be entitled to any portion of the Choctaw annuity. That is, if an Indian elected to stay in Mississippi and take land and become a citizen of the States, he should not, by reason of his having done so, lose the privilege of a Choctaw citizen, but if he ever decided at a later date to move out to the new nation, he should not have any right in the Choctaw annuities. The Choctaw annuities is money which becomes due to the Choctaws each year from the Government of the United States under treaty provisions.

- Q Did any of your ancestors, to your knowledge, ever comply or attempt to comply with the provisions of this fourteenth article of the treaty of Dancing Rabbit Creek? A Yes, sir; they have.
- Q You understand you are under oath, do you? A Yes, sir.
- Q And you swear positively that some of your ancestors complied with the provisions of the fourteenth article of the treaty of Dancing Rabbit Creek? Is that the statement you want to make and go down in this record? A Yes, sir; that's right.
- Q Well, what one of your ancestors ever complied with the provisions of this fourteenth article of the treaty of Dancing Rabbit Creek?
- A Well, I can't tell you all of that; that's so far back.
- Q Don't know? A No, sir.
- Q What makes you think that any of them did comply with its provisions? A Well, I have heard them talk of it.
- Q Who did you ever hear talk about that? A I don't know who all.
- Q Well, tell us the name of one person that you have heard say your ancestors ever complied with this treaty provision. Just one. This man here ever tell you that? A No, sir.
- Q Who ever told you? A I might have misunderstood it wrong; I don't know.

Mary Jones, et al., 6.

- Q You don't know, as a matter of fact, that any of your ancestors ever did comply with this treaty provision? A No, sir; I don't.
- Q Did any of your Choctaw ancestors own an improvement in the old Choctaw Nation, in Mississippi and Alabama, in the year 1830, when this treaty of Dancing Rabbit Creek was made? A I don't know.
- Q Did any of them live there at that time to your knowledge? A No, sir; I don't know that.
- Q Did any of your Choctaw ancestors, to your knowledge, within six months after the treaty of Dancing Rabbit Creek was made, let the agent of the Government in Mississippi for the Choctaws know that they wanted to stay in Mississippi and become citizens of the States and take land? A I don't know.
- Q Did any of them ever claim or receive any land in the State of Mississippi from the Government of the United States under article fourteen of the treaty of Dancing Rabbit Creek, to your knowledge? A I don't know that.
- Q Did any of them ever receive any benefits whatever under article fourteen of the treaty of Dancing Rabbit Creek, to your knowledge? A No, sir.
- Q Did any of them remove to the present Choctaw Nation, in Indian Territory, at the time of the removal of the greater portion of the Choctaw tribe of Indians, between the years 1833 and 1838? A Not as I knew of.

In accordance with the provisions of the fourteenth article of the treaty of Dancing Rabbit Creek, the Government of the United States directed an agent in the State of Mississippi to register the names of such Choctaws as might desire to remain and become citizens of the States and take land. The records of the Government show that this agent failed to register and report to the Government the names of many Indians who did, in fact, let him know that they wanted to stay in Mississippi and become citizens of the States and take land, and on this account the Government at its public land sales in Mississippi, in many instances, sold land upon which Choctaws lived and had improvements, and which they supposed they would receive under the fourteenth article of the treaty. This caused a great deal of complaint among the Indians, and the matter was finally brought to the attention of Congress, and Congress passed certain acts between the years 1837 and 1842, providing for the appointment of commissioners to come down to Mississippi and hear the cases of Choctaws who claimed that they had complied in all respects with the provisions of the fourteenth article of the treaty of Dancing Rabbit Creek, but that their land had been sold by the Government. These commissioners were duly appointed by the President of the United States and they went down to Mississippi and heard a great many of these Choctaw cases. Did an

Mary Jones, et al., 7.

Q Did any of your ancestors appear before any of these commissioners and attempt to establish their rights under the fourteenth article of the treaty of Dancing Rabbit Creek, to your knowledge? A No, sir; I don't know.

An act of Congress approved on the 23rd day of August, 1842, provided that in case it should be finally decided that a Choctaw had complied in all respects with the provisions of the fourteenth article of the treaty of Dancing Rabbit Creek, but that his land had been sold by the Government, he should be entitled to select in the place of the land so sold by the Government, land some place else in Mississippi, Louisiana, Alabama, or Arkansas, and should be given a certificate to that effect. These certificates were called scrip.

- Q Did any of your ancestors ever get any of this scrip from the Government to your knowledge? A No, sir.
- Q So far as you know, then, none of your ancestors ever received any benefits whatever as Choctaw Indians? A No, sir.
- Q And none of them to your knowledge were recognized members of the tribe? A No, sir.
- Q Do you know of any old persons living who would likely know whether any of your ancestors ever complied or attempted to comply with the provisions of article fourteen of the treaty of Dancing Rabbit Creek, or ever received any benefits thereunder? A No, sir.
- Q Do you know of any written evidence of any description which would prove or tend to prove such a state of facts? A No, sir.
- Q Have you any written evidence of any kind to offer at this time in support of your application? A No, sir.
- Q You have no witnesses here today, have you? A Have two brothers here.
- Q Are they here as your witnesses, or for the purpose of making application for identification as Mississippi Choctaws? A They are not here to make witnesses.
- Q They are here to make application, are they? A Yes, sir.
- Q You want your case and theirs considered together? A Yes, sir.
- Q Are there any further statements you want to make at this time in support of your application? A No, sir.
- Q How many brothers have you living? A Four.
- Q What are their names? A Bill, John, Clint and Cliff.
- Q Have any of them been before the Commission? A No, sir.
- Q Which ones are here today? A Bill and John.
- Q Have you any sisters living? A Yes, sir; I have three.
- Q What are their names? A Minnie, Pearlle and Iola.
- Q Are any of them married? A No, sir.

(Reference is hereby made to the application of Nancy Yeum for the identification of herself and five minor children as Mississippi Choctaws, M.C.R. 8880, also M.C.R. 8872, Tandy L. Givers.)

Mary Jones, et al., 8.

- Q Has your mother any brothers or sisters living? A Yes, sir.
Q How many brothers? A Let's see - there's three, I think.
Q What are their names? A Tipp and Sam - she's four - Bill and George.
Q Have they been before this Commission? A Yes, sir, one of them has.
Q What's his name? A Tipp Jumper. I think his name is Phillip.
Q Well, has your mother any sisters living? A Yes, sir.
Q How many? A One.
Q What's her name? A Bettie English.
Q Has she been before this Commission? A No, sir.
Q Has your mother any brothers or sisters dead? A Yes, sir; she has two sisters and one brother.
Q Did the brother leave any children? A Yes, sir; he left two.
Q Are they living now? A Yes, sir.
Q What are their names? A Dollie Clay and Glennie Hicks.
Q Have they been before the Commission? A No, sir.
Q Did either of your mother's sisters leave children? Either of those deceased sisters? A Yes, sir, they left a big crowd of them, but I don't know their names.
Q What are the names of those two sisters who are deceased?
A Mary Yates and Jane Yocum.
Q Did Jane marry a Yocum? A Yes, sir.
Q You don't know the names of their children who are living? A Well, I might by studying them up, but I don't know whether I could give them in all right or not.
Q Have any of them been before the Commission? A No, sir.
Q Where do they live? A In Mississippi - one of them in Mississippi, and the other in Texas.
Q Do you speak or understand the Choctaw language? A No, sir, I don't understand it.

(The applicant has the appearance of being a white woman, and shows no indication of being possessed of Indian blood. Her hair is somewhat inclined to be light; she has blue eyes and rather fair complexion. She does not speak or understand the Choctaw language. She has no knowledge of a compliance on the part of any of her ancestors with the provisions of article fourteen of the treaty of Dancing Rabbit Creek.)

R. S. Streit, having been first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes, he reported in full all proceedings had in this cause on the 27th day of June 1902, and that the foregoing is a full, true and correct translation of his stenographic notes in said cause upon said date.

Subscribed and sworn to before me at Muskogee, Indian Territory, this 12th day of July, 1902.

R. S. Streit
W. L. V. Emerson
Notary Publican.

DEPARTMENT OF THE INTERIOR,
COMMISSION TO THE FIVE CIVILIZED TRIBES,
Muskogee, Indian Territory, May 17, 1902.

In the matter of the applications for identification as
Mississippi Choctaws of-

| | |
|------------------|------------|
| Alice Gardner | M C R 5574 |
| Jennie I. Miller | " 5575 |
| Cassie E. Bates | " 5576 |
| Minnie Smith | " 5577 |
| John M. Smith | " 5578 |
| James G. Smith | " 5579 |
| Nancy Yocum | " 5580 |
| Frank Jumper | " 5587 |

Eli J. Gardner, being called as a witness in behalf of the
above named applicants and being first duly sworn, upon his oath
testifies as follows:

(Appearances: Thomas & Harrison, Attorneys for appli-
cants, represented by W.M. Harrison)

Examination by the Commission.

Q What's your name? A Eli J. Gardner.
Q What's your age? A Fifty-four.
Q What's your postoffice address? A Shawnee, Oklahoma.
Q Are you an applicant for identification as a Mississippi Choctaw
before the Commission? A I am not.
Q What is your blood or nationality? A Irish and Dutch.
Q You are a white man, then, are you? A Yes sir.
Q Are you related to any of these applicants? A By marriage.
Q To whom are you related by marriage? A Alice Gardner.
Q In what State or Territory have you lived last? A For ten years
in Oklahoma.
Q Where did you live previous to going to Oklahoma? A On the line
of Arkansas and the Choctaw Nation.
Q Where was that? A Eighteen miles south of Fort Smith.
Q In what State? A In Arkansas.
Q Where did you live previous to that? A I lived in Tennessee--
I was raised in Tennessee.
Q Were you born in Tennessee? A Yes sir.
Q Do you now come before the Commission to testify to the Choctaw
blood of these different applicants who have been named, and also
in regard to their having complied ~~not~~ or not having complied
with article 14 of the treaty of 1830? A I do.

Examination by Mr. Harrison:

Q What relation are you to Alice Gardner? A Her husband.
Q Are you acquainted with Jennie I. Miller? A I am.
Q Cassie E. Bates? A Yes sir.
Q Minnie Smith? A Yes sir.
Q John M. Smith? A I am.
Q James G. Smith? A I am.
Q What relation are they to Alice Gardner? A Brothers and sisters.

Alice Gardner, et al--2

Q Do you know Nancy Yocum? A I do.
Q State, if you can, the relationship existing between Nancy Yocum and these parties whose names I have just mentioned? A They're from one common ancestor.
Q State if you can the name of that common ancestor? A Che-ka-chyo.
Q Who was Che-ka-chyo, as you state? A He was a Choctaw Indian.
Q Where did he live? A In Mississippi.
Q Are you acquainted with Frank Jumper? A Yes sir.
Q State the relationship, if you know, existing between Frank Jumper, if any, and Alice Gardner and her brothers and sisters whose names I have mentioned? A One common ancestor.
Q When you say from one common ancestor, state whom you mean? A Che-ka-chyo.
Q State what opportunities you have had to become possessed of facts to which you testify and when those opportunities presented themselves, how you took advantage of them and what induced you to do so? A It's been five months ago that the old man told me --
Q What old man? A Smith.
Q What Smith? A Charles C. Smith.
Q What relation is Charles C. Smith? A My wife's father. He told me of his ancestors of Mississippi Choctaws and that they were dispossessed of their rights. While I never taken any more notice after that I had a number of conversations leading to the same point and about four months ago I got the decisions and rulings of the Secretary of the Interior and on page 230 in running over different decisions that I was hunting, I run up on the same name that Charles C. Smith had given me and it went on to say how he was dispossessed of this land by a man named Reid and it brought about a contest with a lot of soldiers--additional homesteads--and the decision was there that this land wasn't subject to a homestead. Che, ka-chyo, being located on there, had been removed by an act of Congress and that they had no power whatever to make that a piece of public land--that was school land which George W. Martin located and that that was illegal. Then I got on the train and went to Jackson, Mississippi.
Q State who you understood George W. Martin to be? A I believe in '33 General Jackson appointed George W. Martin--so said that decision--to go and re-locate those Indians that hadn't received no location.
Q In what State? A In Mississippi.
Q You speak of a piece of land--do you know of any description to identify that land or connect it with this man Che-ka-chyo that you are talking about? A Yes sir.
Q Can you give that description? A Yes sir, Section 16, Township 26, Range 5 West.
Q You may state how you become possessed of that information?
A To be satisfied that I was correct I got on the train and went to Jackson, Mississippi.
Q When was it? A That was in February.
Q Of what year? A This year--I was there one week. I find the notations that the Secretary of the Interior referred to in his decision but the piece of land stood as school land. That's what I found there and the register and receiver both told me it was school land. That's all I know of that piece of land.

Alice Gardner, et al--3

Q You were in Mississippi and you made an investigation among people who claimed to be related to or knew anything of the family history and traditions of the descendants of this man Che-ka-ohyo? A I did.

Q Was that conversation with reference to the family history and traditions of this ancestor? A It was so.

Q Now, you may state what information you received from that source with reference to the descendants whose names I gave you a while ago and their connection with this ancestor Che-ka-ohyo? A I had conversations with different ones.

Q Can you give their names? A There was William W. Purtick and Sam Jumper and Philip Jumper, a lady by the name of Cooper--I believe these are the chief ones I talked to. I find in investigating what they they knewed of it - - -

By Mr. Harrison:

Inasmuch as the testimony of these witnesses will be taken and opportunity will be taken to have their testimony taken, I thought it would not be necessary to go into detail on the part of this witness because he would simply be testifying to what these witnesses will have opportunity to testify to.

Q Is there any other statement you wish to make to which attention has not been called either by the Commission or by myself with reference to the claims of either of these parties who claim to be the descendants from this common ancestor relative to their claims for their admission as Choctaws, Mississippi Choctaws? A I believe not.

Q You are the husband of Alice Gardner who appeared before the Commission? A Yes sir.

Q She appeared before the Commission on May 16th, did she not? A Yes sir.

Q You are a white man? A I am.

Q Where do you live? A Shawnee, Oklahoma.

Q You went to Mississippi, did you, the first part of this year to investigate into this matter of the rights of your wife and other parties to be identified as Mississippi Choctaws? A Yes sir.

Q And what you have testified to is the result of your investigations in Mississippi? A Yes sir.

Q Now, you speak of Charles C. Smith, an old man, I didn't quite understand when you meant by him? A My wife's father.

Q What was his first information to you with reference to your wife's claim to be identified as a Mississippi Choctaw? A They had been dispossessed.

Q Who had been dispossessed? A His forefathers.

Q Whom of his forefathers had been dispossessed? A Che-ka-ohyo.

Q How long a time did you study into this matter while you were in Mississippi? A This was several years back--we talked over it quite ~~xxx~~ a number of times.

Q How long have you been engaged in looking up the matter of the right of this common ancestor under article 14? A About four months.

Q It seems to me a little strange you didn't pronounce the name of this common ancestor a little differently--its Che-kach-ye and Che-kash-you--you never did learn to pronounce Choctaw, did you?

A No sir.

Alice Gardner, et al--4

Q Did you ever see the name of Che-kach-you in a register made out by George W. Martin whom you think was the locating Agent in Mississippi in 1831, who had opposite his name a notation as to having received or having been entitled to one section, 16, Township 26, Range 5 West, of land in Mississippi? A No sir, I didn't see that.

Q How does it happen if you spent considerable time in Mississippi looking up the title of this ancestor of your wives, that you never saw this notation here in George W. Martin's register?

A I wasn't in possession of that George W. Martin's book. Where I got it from was in the tract books of the United States.

Q You say that in the records you have examined you saw that Che-ka-cho or Che-kach-you was dispossessed of his land; by whom was he dispossessed? A By the Government. That's the way it was in Hitchcock's decision.

Q What Hitchcock is that? A Secretary of the Interior.

Q This present Secretary? A Yes sir; he said it was done by a certain act of Congress.

Q Don't you mean to say that in this register of George W. Martin's in which the name of Che-kach-you appears, as having been entitled to Section 16, Township 26, Range 5 West, of land in Mississippi, was not ratified by Congress--did not Congress refuse to ratify this act?

A Yes sir.

Q Then, if this Che-kach-you, whose name appears on Col. Martin's register, is the same as the common ancestor of your wife and others, your investigation would rather look toward the fact or prove that when George W. Martin's register was submitted for approval or disapproval it was not approved--is that it? A Yes sir, it wasn't approved.

Q Are you able to give a little more clearly than you did already a statement of what action was taken in reference to the property which your wife's ancestor held in Mississippi and how and when and why he was dispossessed--make the statement a little more clearly if you can? A That this section was school land and not subject to any location.

Q That the act of Congress was based upon the fact this this section was public school land and not subject to being located by the Agent Col. George W. Martin? A Yes sir.

Q In your investigation of the identity of your wife's ancestor, what proof did you find that Che-kach-you, whose name appears in Col. Martin's register, and Che-ka-cho were the same persons--I want you to prove the identity of these persons having the two different names, if you can?

By Mr. Harrison:

I submit that that is not the question you started out to ask him.

Commission:

That question is all right--please answer it.

Witness:

I find that the same person that I find at home--the notations show that George W. Martin had made this location. It must have been the same person by it being the same piece of land.
Examination by Commission.

Q What you mean, then, is this--that it is a matter of family history

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and tradition, is it, among your wife's ancestors and your wife's people that that ancestor had a certain piece of land in Mississippi which is described in the same manner as the description of land opposite the name of Che-kach-you in Col. George W. Martin's register?

A Yes sir.

Q How do you know that your wife's ancestor had Section 16, Township 26, Range 5 West, in Mississippi--who told you that? A Charles C. Smith.

Q How did he know? A He had been taught it.

Q Who had he been taught by? A By his ancestors down.

Q I want all the proof that he can give me that he knew that was a fact--you knew it through him and he knew it through whom?

A Through his father and mother.

Q What was his father's name? A Jack Smith; and his mother.

Q What was her name? A Sallie Smith--she was the daughter of Che-kach-you.

Q So, then, the fact this common ancestor, Che-kach-you, had land in Mississippi which he had received from the Government and of which he was dispossessed, is a matter of family history and tradition of the family and among the relatives of your wife? A It is so.

Q Are there any documents in existence of any kind, any scrip that had been issued to this common ancestor, any money payment recorded or any evidence of record that shows that Che-kach-you was a beneficiary of the Government under article 14 of the treaty of 1830? A I found none.

Q You found simply, then, what is recorded on Page 80 of Volume 1 of the Choctaw Nation vs The United States Government? A No sir, not in that volume.

Q But some other record and information from the Secretary of the Interior? A Yes sir.

Q But you believe that the Che-kach-you whose name appears in Col. Martin's register is the same ancestor, although the name is somewhat differently pronounced and spelled, of your wife and other relatives, because it is a matter of family history and tradition that your wife's people received land so and so, described as recorded opposite the name of Che-kach-you in Col. Martin's register? A Yes sir.

By. Mr. Harrison:

You mean corresponding to?

Commission:

Yes sir, corresponding to is a better expression.

Q Now, how was it that your wife's common ancestor was by the Government dispossessed of his land; the records show--the records of the register submitted by Col. George W. Martin--this this land, Section 16, Township 26, Range 5 West, was by one Che-kach-you assigned to one John B. Davis, who was the holder of the land and the assignee; it would appear this this Che-kach-you had dispossessed himself of the land by assigning it to John B. Davis? A I found no notice to that effect.

Q Are you sure that this man is the same as Che-kach-you that was your common ancestor? A Nothing, only they had the same section of land.

Q It was the same land, your wife's family history shows, that section township and range, but this record further shows that he himself assigned it and must have been possessed of it and he himself must have dispossessed himself by an assignment; I want you to explain the discrepancy between this record and the family history and tradition, as you got it, of your wife's people, that their ancestor was dispossessed by the Government? A By being school land and not subject to a location and also by an act of Congress; it was first ~~taken~~ located and taken by an order that was to stand so long and if not approved by Congress it was to be void.

Q In that regard, the statement which you received from Mr. Hitchcock with reference to your wife's ancestors being dispossessed of this land--is there any mention made at all of the fact that he had assigned that land to John B. Davis? A No sir.

Q You are not able to explain this part of it, then, are you? A I am not.

Examination by Mr. Harrison:

Q Whilst you were in Mississippi did you meet and become acquainted with a lady by the name of Mrs. Mary Cooper? A Yes sir.

Q How old is she? A Ninety-nine years old.

Q State whether or not you had any conversation with her relative to this family history? A She said she was personally acquainted.

Q With whom? A With Che-kach-you.

Q State whether or not the information upon which you have based your testimony was in whole or in part derived from conversations had with her relative to the subject? A That she was personally acquainted with Che-kach-you and lived door neighbor to him a number of years and knewed his family; his three daughters and of their marriage.

Q Is this lady still living? A She was then.

(Witness excused)

William C. Mitchell, being called upon to testify in relation to the application for identification as Mississippi Choctaws of Alice Gardner, et al, and being first duly sworn, testified as follows:

Examination by the Commission.

Q What's your name? A William C. Mitchell.

Q What's your age? A Sixty-two.

Q What's your postoffice address? A South McAlester.

Q What is your nationality? A I've got a right in the Choctaw Nation--I'm a court citizen.

Q How much Choctaw blood have you? A There's either one-sixteenth or one-eighth.

Q Do you speak the Choctaw language? A I understand tolerably well the Choctaw language and can speak some of it.

Q How did you learn the Choctaw language? A By being with the Choctaws in Indian Territory.

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Q By trading with them at South McAlester? A Yes sir, I have been and am now trading in stock, mostly, since the war.

Q Then your knowledge of the Choctaw language is picked up by association with them in matters of trade, etc? A Yes sir.

Q Do you think you could undertake to carry on a conversation on any given subject with a Choctaw? A Well, if I am acquainted with a Choctaw I could in some things but with strangers I couldn't very well. I could at one time but can't do much at it now. I have forgot a great deal of Choctaw.

Q You don't undertake to testify, do you, in reference to this matter as an expert who has an expert knowledge of the Choctaw language? A No sir.

Examination by Mr. Harrison.

Q How long have you lived in the Choctaw Nation? A About nineteen years.

Q I present to you two names; please tell the Commission what, in your judgment, what language those names are? A Those two names are just alike a great many other names--of course one couldn't x x

Q Is that Greek or Latin or what language? A That's the Choctaw language.

Q What names are these I show you on this piece of paper? A I would call the first name Che-ka-che-ke (this is the interpretation given in by the stenographer of the pronunciation of this name by witness). In learning this language I always learned what it meant in English. In English this would be "speckled"---the "cheke" would be "big speckled".

Q What's the difference in the meaning of those two words in the Choctaw language? A I don't know that there would be any difference at all.

Q Isn't it a fact that two Choctaw words, meaning the same thing may be spelled a little differently and pronounced a little different and may mean the same identical thing? A And to the reverse they will spell the name just exactly alike and have two meanings--it is only by a gesture or motion that there may be a difference.

Q The question is--that two Choctaw names spelled a little differently and pronounced a little differently, yet may have the same identical meaning, isn't that common with the Choctaws? A Yes sir.

Q Is not this an instance of that kind? A I am of the opinion that this name was the same identical name but in putting it down was put down by different men.

Q Is it possible for different Choctaws, understanding the Choctaw language, to take these two names and spell them one a little different from the other? A In half half of the instances they will spell them different.

Q And those same instances the meaning be the same? A Yes sir.

Examination by the Commission:

Q You understand, do you not, that a Choctaw name may be made up of different syllables, each one meaning something, each one having a meaning? A Yes sir.

Q And that a Choctaw name is given to a person, to a man or woman, to denote some act of his or something he has done, or some manly

quality or some womanly quality or some war-like quality? A Yes sir, mighty nigh every full blood Choctaw will have two names.

Q For instance, one Choctaw would have a name "the man that kills with his knife", and these different subdivisions or syllables of the name would mean "kill" or "knife", etc? A Yes sir, that's a common thing. Pretty near all of the full blood Indians in the country will have what they call an Indian name and an English name.

Q Now, take the name Che-kach-you, what does "Che" mean? A Well, I don't know.

Q What does "kach" mean in English? A I understand from that language that that means speckled in English.

Q What does "you" mean? A I don't know whether I understand that or not.

Q You have no knowledge, then, in regard to that name; I will give you another name--do you know what "Che" means? A No sir.

Q What does "ka" mean? A I don't know that I understand that either.

Q What does "chyo" mean, if you should see that Choctaw name? A It means large.

Q It means "large", but you can't give the English meaning of the whole word "Che-kach-you"? A No sir, only what I have learned is from observing and being with them.

Q Then, how would you be able to say that the name Che-kach-you and Che-ka-chyo, being another name, mean the same thing? A They are so near the same and they are, the Indians are such they won't use the same spelling for one name.

Q If you understood the Choctaw language perfectly you could probably tell what each syllable meant and whether the other syllables were true syllables or false syllables? A Yes sir.

Q Not having sufficient knowledge of the language you can't, then, determine the meaning of the syllables? A No sir.

Examination by Mr. Harrison:

Q You know that the word "chyo", as you state, means "large" or "big", and this "che-ka" means speckled and a combination of those syllables you say means big speckled? A Yes sir.

Q Is it not also a fact, Mr. Mitchell, that in the Choctaw language words are used, as these words are used, descriptive of color or condition? A They use that a good deal in description of colors.

Q Is it not a fact that the word speckled has reference to color? A Yes sir.

(Witness excused)

Ira S. Miles, being first duly sworn, states that as stenographer to the Commission to the Five Civilized Tribes, he reported in full all proceedings had in the above entitled cause, heard at Muskogee, Indian Territory, May 17, 1902, and that the above and foregoing is a full, true and correct transcript of his stenographic notes taken in said proceedings on said date.

Subscribed and sworn to before me this the 22nd day of May, 1902, at Muskogee, Indian Territory.

Charles H. Sawyer
Notary Public.

Muskogee, Indian Territory, January 5, 1903.

Mary Jones,

Plumerville, Arkansas

Dear Madam:

You are hereby advised that on the 5th day of January, 1903, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Alice Gardner, et al., embracing the following applications for identification as Mississippi Choctaws:

| | |
|------------------------------|-------------|
| Alice Gardner, et al. | M.C.R. 5574 |
| Samuel H. Hunt, et al. | M.C.R. 4708 |
| William F. Hunt, et al. | M.C.R. 5815 |
| Rezekiah B. Hunt, et al. | M.C.R. 4816 |
| Virginia Jumper, et al. | M.C.R. 4817 |
| John W. Jumper, et al. | M.C.R. 4818 |
| Jennie I. Miller | M.C.R. 5575 |
| Cassie Bates, et al. | M.C.R. 5576 |
| Minnie Smith | M.C.R. 5577 |
| John M. Smith | M.C.R. 5578 |
| James G. Smith | M.C.R. 5579 |
| Nancy Yocum, et al. | M.C.R. 5580 |
| Philip Jumper, et al. | M.C.R. 5593 |
| William C. Furtick, et al. | M.C.R. 5871 |
| Tandy L. Caver | M.C.R. 5872 |
| Thomas S. Smith, et al. | M.C.R. 5882 |
| John E. Everett, et al. | M.C.R. 5883 |
| Ella Lewis, et al. | M.C.R. 5884 |
| Willie Drowry | M.C.R. 5885 |
| Charles J. Smith | M.C.R. 5886 |
| Mary Jones, et al., | M.C.R. 5898 |
| Will Yocom | M.C.R. 5899 |
| John Yocom | M.C.R. 5900 |
| William W. Furtick | M.C.R. 6039 |
| Jefferson B. Furtick, et al. | M.C.R. 6070 |

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| | |
|--------------------------|-------------|
| Frank M. Furtick, et al. | M.C.R. 6071 |
| Sallie Dearing, et al. | M.C.R. 6072 |
| Elise Michael, et al. | M.C.R. 6073 |
| William A. Jumper | M.C.R. 6074 |
| George A. Jumper, et al. | M.C.R. 6075 |
| James A. Yates, et al. | M.C.R. 6076 |
| Bill E. Yates, et al. | M.C.R. 6077 |
| Frank Jumper | M.C.R. 6087 |
| George Jumper, et al. | M.C.R. 6236 |
| Moses Jumper | M.C.R. 6237 |
| Hattie Cheves, et al. | M.C.R. 6320 |
| George A. Everett | M.C.R. 6321 |

These applications were made under the provision of the act of Congress of June 28, 1898 (30 Stats., 495), which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto and make report to the Secretary of the Interior."

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Alice Gardner, E. J. Gardner, Jimmie Gardner, Albert Gardner, Charles F. Gardner, Samuel H. Hunt, Oliver R. Hunt, Henry D. Hunt, Eddie F. Hunt, Lelia E. Hunt, Samuel D. Hunt, Susan F. Hunt, Jessie Hunt, William F. Hunt, Boyd E. Hunt, Ezekiah B. Hunt, Josephine Hunt, Eliza V. Hunt, Minnie F. Hunt, Eva E. Hunt, Virginia Jumper, Sam Jumper, John W. Jumper, Annie F. Jumper, Dug Jumper, Hattie E. Jumper, Dixon F. Jumper, James Levi Jumper, Jennie I. Miller, Cassie Bates, Archie Patton, Beater Patton, Besale Bates, Alice Bates, Johnnie Bates, Eugene Bates, Minnie Smith, John M. Smith, James G. Smith, Nancy Yocum, Minnie Yocum, Clinton Yocum, Clifton Yocum, Pearlle Yocum, Ole Yocum, Philip Jumper, Katie Jumper, Mark Jumper, Marvin Jumper, William C. Furtick, Clara Furtick, Sallie Furtick,

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Pet Furtick, Ruth Furtick, Tandy L. Caver, Thomas S. Smith, Charlotte Smith, Nona Smith, Joan E. Everett, Sherman L. Everett, Frank C. Everett, Ella Lewis, Orra Lewis, Edwin C. Lewis, Altie P. Lewis, Irvin A. Lewis, Willie Drewry, Charles J. Smith, Mary Jones, Gusie Jones, Gracie Jones, Will Yocum, John Yocum, William W. Furtick, Jefferson D. Furtick, Jeffie Furtick, Emma L. Furtick, Eugenia Furtick, Frank M. Furtick, Frankie Furtick, Alice Furtick, Louis Furtick, Sallie Dearing, Mary Dearing, Jim Dearing, Alexander R. Dearing, Eliza Michael, Andrew Carpenter, James Carpenter, Ellie Carpenter, Dollie Lee Carpenter, Lula Michael, William A. Jumper, George A. Jumper, Pink Jumper, Ed Jumper, Minnie Jumper, Arthur Jumper, Sam Jumper, James A. Yates, Lonnie Yates, Mattie Frances Yates, Will E. Yates, Frank Jumper, George Jumper, Ned Jumper, Ben Jumper, Dan Jumper, Harvey Jumper, Moses Jumper, Bettie Cheves, Mary Cheves, Hamilton Cheves, Lewis Cheves, Freddie Cheves, Johnnie Cheves and George A. Everett as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the applications for their identification as such should be refused, and it is so ordered."

You are further advised that you will be allowed fifteen days from the date hereof within which to file arguments in this office, and that at the expiration of said time the papers in the case, together with such arguments will, be forwarded to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

John H. Hargis

Acting Chairman.

Registered.

MCR-5898

Muskogee, Indian Territory, February 28, 1907.

Mary Jones,
Paris, Arkansas.

Dear Madam:-

You are hereby notified that the Secretary of the Interior, on February 15, 1907, affirmed the decision of the Commission to the Five Civilized Tribes of January 5, 1903, refusing to identify, as Mississippi Choctaws, the several applicants in the consolidated case of Alice Gardner et al.

Respectfully,

Commissioner.

For Identification as a Mississippi Choctaw.

Date

Name Mary Jones

Age 23 Blood dont know

Post-Office, Hummerville, Ark.

Father: Frank Yocom L

Mother: Nancy " L

Claims through mother

husband Henry Jones L
no claim for husband

For sale

Children:

Gussie Jones F 3

Gracie " F 5 mo

Stenographer

R. I. Strutt

Choctaw MCR 5899

Will Yocom

See MCR 5574

MCR 5899

M C R 4899.

Department of the Interior,
Commission to the Five Civilized Tribes,
Muskogee, Indian Territory, June 27, 1902.

In the matter of the application of Will Yeom for
identification as a Mississippi.

Appearances:

Thomas and Harrison, Attorneys for Applicant.

Will Yeom, having been first duly sworn, upon his oath
testified as follows:

Examination by the Commission.

- Q What is your name? A Will Yeom.
Q How old are you? A Twenty eight.
Q How much Cheataw blood do you claim to have? A I don't know.
Q What's your post office address? A Flummerville, Arkansas.
Q How long have you lived in the State of Arkansas? A About
seven years, I reckon; seven or eight.
Q Where did you live before that? A Mississippi.
Q What county? A Prentiss County.
Q How long did you live in Prentiss County? A Born there.
Q Lived there all your life until you came to Arkansas? A Yes, sir.
Q Is your father living? A Yes, sir.
Q What's his name? A Frank Yeom.
Q Is your mother living? A Yes, sir.
Q What's her name? A Nancy Yeom.
Q Through which one of your parents do you derive your Cheataw
blood? A My mother.
Q Is the Nancy Yeom who appeared before the Commission at Muskogee,
Indian Territory, on May 17, 1902, and made application for the
identification of herself and five minor children as Mississippi
Cheataws? your mother? A She was here about a month ago, yes,
sir.
Q She has five minor children, Minnie, Clinton, Clifton, Pearlle
and Ola, is that right? A Yes, sir; that's it.
Q Has your mother ever been recognized in any manner or enrolled as
a member of the Cheataw tribe of Indians? A Not until she came to
here.
Q Not until she came here.
Q Not until she made this application? A Yes, sir; that's the
fact.

Will Yesom, 2.

- Q Never was recognized by the tribal authorities or enrolled as a member of that tribe? A No, sir.
- Q Where was she born? A In Mississippi, I think.
- Q Lived there all her life until eight or nine years when she came to Arkansas? A Yes, sir; until seven or eight years ago when she came to Arkansas.
- Q How old is your mother? A About forty seven years old, I think.
- Q Through which one of her parents did she get her Choctaw blood?
- A Her father.
- Q What was his name? A Jim Jumper.
- Q How old would Jim be if he were living now? A He would be somewhere's in eighty, I reckon.
- Q Was he born in Mississippi? A I don't know where he was born at, but I believe he was; that I don't know.
- Q Through which one of his parents did he get his Choctaw blood, his mother or father? A Got it through his mother.
- Q What was her name? A Elizabeth Jumper.
- Q What was her maiden name? A Elizabeth Furtick.
- Q Do you know anything about her? A No, sir.
- Q Don't know where she was born? A No, sir.
- Q Are you married? A Yes, sir.
- Q Is your wife living? A Yes, sir.
- Q What's her name? A Dora Yesom.
- Q Any Choctaw blood? A No, sir.
- Q Have you any children living? A No, sir.
- Q No claim for your wife? A No, sir.
- Q This application is for yourself only? A Yes, sir, that's all.
- Q Is your name on any of the Choctaw tribal rolls in Indian Territory? A No, sir, not as I know of.
- Q Has any application of any description ever been made for you before today for the purpose of establishing your rights as a Choctaw Indian? A No, sir, not as I know of.
- Q You never have been admitted to citizenship in the Choctaw Nation by the Choctaw tribal authorities, or by the United States authorities then? A No, sir.
- Q You appear before the Commission at this time for the purpose of claiming rights in the Choctaw lands, in Indian Territory, under the provisions of article fourteen of the treaty of Dancing Rabbit Creek, do you; is that what you are here for? A Yes, sir, I reckon so.

The treaty of Dancing Rabbit Creek was entered into in the State of Mississippi on the 27th day of September, 1830, between the Government of the United States and the Choctaw tribe of Indians. At that time the Choctaws lived in Mississippi and along the western edge of the State of Alabama. The object of the treaty was to get these Indians to move from the country occupied by them in Mississippi and Alabama, to a new country west of the Mississippi River, a part of which is now occupied by the greater portion of the Choctaw tribe of Indians and is commonly known as the Choctaw Nation, Indian Territory. At the time this treaty was made, some of the Indians were unwilling to leave the old Nation, and for the benefit of

Will Yocom, J.

those who preferred to stay here what is known as the fourteen article was put in the treaty. That fourteenth article provided that upon certain conditions a Choctaw who preferred to stay in Mississippi and not move out west with the main body of the Choctaws to the new nation, might receive land in Mississippi from the Government. It is as follows:

"Each Choctaw head of a family being desirous to remain and become a citizen of the States shall be permitted to do so by signifying his intention to the agent within six months from the ratification of this treaty and he or she shall thereupon be entitled to a reservation of one section of six hundred and forty acres of land, to be bounded by sectional lines of survey; in like manner shall be entitled to one-half that quantity for each unmarried child which is living with him over ten years of age; and a quarter section for such child as may be under ten years of age, to adjoin the location of the parent. If they reside upon said land intending to become citizens of the States for five years after the ratification of this treaty, in that case a grant in fee simple shall issue; said reservation shall include the present improvement of the head of the family, or a portion of it. Persons who claim under this article shall not lose the privilege of a Choctaw citizen, but if they ever remove are not to be entitled to any portion of the Choctaw annuity."

Q You understand that fourteenth article, do you? A No, sir.

If a Choctaw who lived in the old Choctaw Nation, in the State of Mississippi, in 1830, saw fit to remain there and not move out to the new nation, he was entitled under the fourteenth article to get certain land there from the Government, but in order to do that he was required by the terms of the fourteenth article to let the agent of the Government - the Government has an agent for that purpose, know within six months from the time this treaty was ratified that he wanted to stay and become a citizen of the States and take land. He was then entitled to a reservation of one section of six hundred and forty acres of land, to be bounded by sectional lines of survey, and for each child in his family over ten years of age when the treaty was made, he was entitled to one half section; for each child in his family under ten years of age when the treaty was made, he was entitled to a quarter section. The reservations for these children were required to adjoin the location of the parent, and these reservations so made for these Indians at that time included the improvement of the parent as it existed on the 27th day of September 1830. Now, if the Indian lived on that land so reserved

Will Yacen, 4.

for him for a period of five years from February 24, 1831, the day the treaty was ratified, he was entitled to a grant in fee simple for the land / that is, the Government would give him a deed or patent to the land, and it became his to dispose of at his own pleasure. The concluding clause of the fourteenth article is as follows: "Persons who claim under this article shall not lose the privilege of a Choctaw citizen, but if they ever remove, are not to be entitled to any portion of the Choctaw annuity." That is, if a Choctaw who might have been living there in 1830, who saw fit to take advantage of this fourteenth article by remaining on his land for five years, and secured land under that fourteenth article, he should not, by reason of his having done so, lose the privilege of a Choctaw citizen, but if he ever removed, that is, if he at a later date changed his mind and decided he wanted to come out to the Choctaw Nation, he should not be entitled to any portion of the Choctaw annuity. The Choctaw annuity is money which becomes due each year under treaty provisions from the Government.

- Q Did any of your ancestors, to your knowledge, ever comply or attempt to comply with the provisions of this fourteenth article of the treaty of Dancing Rabbit Creek? Did any of your ancestors, to your knowledge ever comply or attempt to comply with the provisions of this fourteenth article of the treaty of Dancing Rabbit Creek? A Why, it seems to me that I have heard some such talk as that in the family.
- Q Why, I couldn't tell you to save my life.
- Q You don't know what you heard? A No, I can't recollect.
- Q Did any of your ancestors live in the old Choctaw Nation, in Mississippi and Alabama, in 1830, when the treaty of Dancing Rabbit Creek was made? A I reckon they did. My great great great grand father did.
- Q Great great great grand father? A Yes, sir.
- Q Now, your mother's father would, if he were living, be over eighty years of age? A He would be somewhere's in eighty I reckon.
- Q And his mother, Elizabeth Purtick, would be something over one hundred years? A Yes, sir; I think she was.
- Q Still you think her grand father was living in 1830, do you?
- A I don't know whether he was or not.
- Q You don't know whether he was living there or not then? A I don't know anything about that.
- Q You don't know whether any of your Choctaw ancestors owned an improvement in the old Choctaw Nation in 1830, when this treaty was made, do you? A No, sir.
- Q Do you know whether any of them, within six months after this treaty of Dancing Rabbit Creek was ratified, let the agent of the Government in Mississippi for the Choctaws know that they wanted to stay in Mississippi and become citizens of the States and take land? A No, sir, I don't know.
- Q Do you know whether any of them removed to the present Choctaw Nation, in Indian Territory, between the years 1833 and 1836,

Will Yocom, S.

When the main portion of the tribe moved out here? A No, sir, I don't know.

Q Did you ever hear of any of your Choctaw ancestors having received any land in Mississippi from the Government of the United States under article fourteen of the treaty of Dancing Rabbit Creek?

A No, sir.

In accordance with the provisions of the fourteenth article of the treaty of Dancing Rabbit Creek, the Government of the United States directed an agent in the State of Mississippi to register the names of such Choctaws as might desire to remain there and become citizens of the States and take land. The records of the Government show that this agent failed to register and report to the Government the names of many Choctaws who did, in fact, let him know that they wanted to stay there and become citizens of the States and take land, and on this account the Government at its public land sales in the State of Mississippi, in many instances, sold land upon which Choctaws lived and had improvements, and which they supposed they would receive under the fourteenth article of the treaty. This caused a great deal of complaint among the Indians, and the matter was finally brought to the attention of Congress and Congress passed certain acts between the years 1837 and 1842, providing for the appointment of commissioners to come down to Mississippi and hear the cases of Choctaws who claimed that they had complied in all respects with the provisions of article fourteen of the treaty of Dancing Rabbit Creek, but that their land had been sold by the Government. These commissioners were duly appointed by the President of the United States and they went down to the State of Mississippi and heard a great many of these Choctaw cases.

Q Did any of your ancestors appear before any of these commissioners and attempt to establish their rights under the fourteenth article of the treaty of Dancing Rabbit Creek? A Not that ever I heard of.

An act of Congress approved on the 23rd day of August 1830, provided that in case it should be finally decided that a Choctaw had complied in all respects with the provisions of article fourteen of the treaty of Dancing Rabbit Creek, but that his land had been sold by the Government, he should be entitled to select in the place of the land so sold by the Government, land some place else in Mississippi, or in Alabama, Louisiana, or Arkansas, from vacant Government land, and should be given a certificate to that effect. These certificates were called scrip.

Will Yocum, G.

- Q Did any of your ancestors ever get any of this scrip from the Government of the United States under this act of Congress to your knowledge? A Not that ever I heard of.
- Q So far as you know, then, none of your Choctaw ancestors ever received any benefits whatever as Choctaw Indians? A No, sir.
- Q Do you know whether any of them were ever recognized members of the Choctaw tribe? A No, sir.
- Q Do you know of any old persons living who would likely know whether any of your ancestors ever complied or attempted to comply with the provisions of article fourteen of the treaty of Dancing Rabbit Creek, or ever received any benefits thereunder? A No, sir.
- Q You don't know of any written evidence of any kind which would prove or tend to prove such a state of facts, do you? A No, sir.
- Q Have you any written evidence of any kind to offer at this time? A No, sir.
- Q Have you any witnesses here today to testify in your behalf? A No, sir.
- Q You desire to have the testimony in your mother's case, and in the cases of other descendants of a common ancestor considered in the determination of your case, do you? A Yes, sir.
- Q Are there any further statements you want to make at this time? in support of your application? A No, sir.
- Q Have nothing further to say? A No, sir.
- Q Are you a full brother of Mary Jones who just appeared before the Commission? A Yes, sir.
- Q Are you any relation to Alice Gardner? A Yes, sir; I have been told that I was a little.
- Q You don't know exactly what that is? A No, sir.
- Q Are you any relation to Tandy L. Caver? A I do not know.
- Q Are you acquainted with him? A No, sir, never seen him in my life that I know of.

Reference is hereby made to the testimony in the matter of the application of Nancy Yocum, spelled Yocum, et al., for identification as Mississippi Choctaws, M.C.R. 5580; also, to the testimony in the matter of the application of Tandy L. Caver for identification as a Mississippi Choctaw, M.C.R. 5572.

- Q You don't speak or understand the Choctaw language? A No, sir.

The applicant has the appearance of being a white man, and shows no indication of being possessed of Indian blood. His hair is of a brownish hue, has gray eyes, rather light complexion; does not speak or understand the Choctaw language, and has no knowledge of a compliance on the part of any of his ancestors with the provisions of the fourteenth article of the treaty of Dancing Rabbit Creek.

Will Yeom, 7.

R. S. Streit, having been first duly sworn, upon his oath states that as stenographer to the Commission to the Five Civilized Tribes, he reported in full all proceedings had in the above entitled cause at Muskogee, Indian Territory, on the 27th day of June, 1902, and that the above and foregoing is a full, true and correct translation of his stenographic notes of said proceedings in said cause upon said date.

Subscribed and sworn to before me at Muskogee, Indian Territory, this 12th day of July, 1902.

R. S. Streit

Guy L. V. Emerson
Notary Public.

M.C.R. 5890

Muskogee, Indian Territory, January 5, 1903.

Will Yocum,

Plumerville, Arkansas,

Dear Sir:

You are hereby advised that on the 5th day of January, 1903, the Commission to the Five Civilized Tribes rendered a decision in the consolidated case of Alice Gardner, et al., embracing the following applications for identification as Mississippi Choctaws:

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| Alice Gardner, et al. | M.C.R. 5574 |
| Samuel H. Hunt, et al. | M.C.R. 4708 |
| William F. Hunt, et al. | M.C.R. 4815 |
| Hosekiah B. Hunt, et al. | M.C.R. 4816 |
| Virginia Jumper, et al. | M.C.R. 4817 |
| John W. Jumper, et al. | M.C.R. 4818 |
| Jennie I. Miller | M.C.R. 5575 |
| Cassie Bates, et al. | M.C.R. 5576 |
| Minnie Smith | M.C.R. 5577 |
| John M. Smith | M.C.R. 5578 |
| James G. Smith | M.C.R. 5579 |
| Nancy Yocum, et al. | M.C.R. 5580 |
| Philip Jumper, et al. | M.C.R. 5583 |
| William O. Furtick, et al. | M.C.R. 5871 |
| Tandy L. Caver | M.C.R. 5872 |
| Thomas B. Smith, et al. | M.C.R. 5882 |
| John E. Everett, et al. | M.C.R. 5883 |
| Ella Lewis, et al. | M.C.R. 5884 |
| Willie Drewry | M.C.R. 5885 |
| Charles J. Smith | M.C.R. 5886 |
| Mary Jones, et al. | M.C.R. 5898 |
| Will Yocum | M.C.R. 5899 |
| John Yocum | M.C.R. 5900 |
| William W. Furtick | M.C.R. 6069 |
| Jefferson D. Furtick, et al. | M.C.R. 6070 |

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| Frank M. Furtick, et al. | M.C.R. 6071 |
| Sallie Dearing, et al. | M.C.R. 6072 |
| Eliza Michael, et al. | M.C.R. 6073 |
| William A. Jumper | M.C.R. 6074 |
| George A. Jumper, et al. | M.C.R. 6075 |
| James A. Yates, et al. | M.C.R. 6076 |
| Bill E. Yates, et al. | M.C.R. 6077 |
| Frank Jumper | M.C.R. 6587 |
| George Jumper, et al. | M.C.R. 6236 |
| Moses Jumper | M.C.R. 6237 |
| Bettie Cheves, et al. | M.C.R. 6320 |
| George A. Everett | M.C.R. 6321 |

These applications were made under the provision of the act of Congress of June 28, 1898 (30 Stats., 495), which is as follows:

"Said Commission shall have authority to determine the identity of Choctaw Indians claiming rights in the Choctaw lands under article fourteen of the treaty between the United States and the Choctaw Nation, concluded September twenty-seventh, eighteen hundred and thirty, and to that end may administer oaths, examine witnesses and perform all other acts necessary thereto and make report to the Secretary of the Interior."

Said decision concludes as follows:

"It is therefore the opinion of this Commission that the evidence herein is insufficient to determine the identity of Alice Gardner, E. J. Gardner, Jimmie Gardner, Albert Gardner, Charles F. Gardner, Samuel H. Hunt, Oliver R. Hunt, Henry D. Hunt, Eddie F. Hunt, Lelia E. Hunt, Samuel D. Hunt, Susan F. Hunt, Jessie Hunt, William F. Hunt, Boyd E. Hunt, Hosekiah E. Hunt, Josephine Hunt, Eliza V. Hunt, Minnie F. Hunt, Eva E. Hunt, Virginia Jumper, Sam Jumper, John W. Jumper, Annie F. Jumper, Dug Jumper, Mattie E. Jumper, Dixon F. Jumper, James Levi Jumper, Jennie I. Miller, Cassie Bates, Archie Patton, Hester Patton, Bessie Bates, Alice Bates, Johnnie Bates, Eugene Bates, Minnie Smith, John M. Smith, James G. Smith, Nancy Yocum, Minnie Yocum, Clinton Yocum, Clifton Yocum, Pearlle Yocum, Ola Yocum, Philip Jumper, Katie Jumper, Mark Jumper, Marvin Jumper, William G. Furtick, Clara Furtick, Sallie Furtick,

Will Yocom,--5

Pet Furtick, Ruth Furtick, Tandy L. Caver, Thomas E. Smith, Charlotte Smith, Mona Smith, John E. Everett, Sberman L. Everett, Frank C. Everett, Ella Lewis, Orra Lewis, Edwin C. Lewis, Altie P. Lewis, Irvin A. Lewis, Willie Drewry, Charles J. Smith, Mary Jones, Gussie Jones, Gracie Jones, Will Yocom, John Yocom, William W. Furtick, Jefferson D. Furtick, Jeffie Furtick, Emma L. Furtick, Eugenia Furtick, Frank M. Furtick, Frankie Furtick, Alice Furtick, Louis Furtick, Sallie Dearing, Mary Dearing, Jim Dearing, Alexander B. Dearing, Eliza Michael, Andrew Carpenter, James Carpenter, Ollie Carpenter, Dollie Lee Carpenter, Lula Michael, William A. Jumper, George A. Jumper, Pink Jumper, Ed Jumper, Minnie Jumper, Arthur Jumper, Sam Jumper, James A. Yates, Lonnie Yates, Hattie Frances Yates, Bill E. Yates, Frank Jumper, George Jumper, Ned Jumper, Ben Jumper, Dan Jumper, Harvey Jumper, Moses Jumper, Bettie Cheves, Mary Cheves, Hamilton Cheves, Lewis Cheves, Freddie Cheves, Johnnie Cheves and George A. Everett as Choctaw Indians entitled to rights in the Choctaw lands under the provisions of said article fourteen of the treaty of eighteen hundred and thirty, and that the applications for their identification as such should be refused, and it is so ordered."

You are further advised that you will be allowed fifteen days from the date hereof within which to file arguments in this office, and that at the expiration of said time the papers in the case, together with such arguments will be forwarded to the Secretary of the Interior through the Commissioner of Indian Affairs.

Respectfully,

Fannie Dixey.

Acting Chairman.

Registered.

MCR-6899

Muskogee, Indian Territory, February 28, 1907.

Will Yocum,
Paris, Arkansas.

Dear Sir:-

You are hereby notified that the Secretary of the Interior, on February 15, 1907, affirmed the decision of the Commission to the Five Civilized Tribes of January 5, 1903, refusing to identify, as Mississippi Choctaws, the several applicants in the consolidated case of Alice Gardner et al.

Respectfully,

Commissioner.

No. 5899

For Identification as a Mississippi Choctaw.

Date

JUN 27 1902

Name Will Yocom

Age 28

Blood

don't know

Post-Office,

Hummerville, Ark

Father: Frank Yocom

L

Mother: Nancy

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L

Claims through mother

wife

Dora Yocom

L

No claim for wife.

Children:

Self only

Stenographer

R. S. Street

END
OF
ROLL

